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The Houſe of Burgeſſes of Virginia

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No. 74

JOURNALS

of the

HOUSE *of* BURGESSES

of

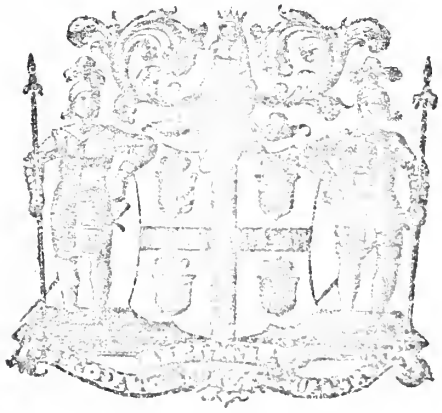
VIRGINIA

1702/3-1705, 1705-1706,

1710-1712.

V.4

Edited by
H. R. McILWAINE



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CONTENTS

BURGESSES vii

INTRODUCTORY NOTE xi

PREFACE xiii

JOURNAL, 1702/3 3

JOURNAL, APRIL 20, 1704 37

JOURNAL, APRIL 21—MAY 12, 1704 41

JOURNAL, APRIL, 1705 84

JOURNAL, OCTOBER, 1705 127

JOURNAL, OCTOBER, 1710 237

JOURNAL, NOVEMBER, 1711 299

INDEX 357

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Burgeſſes for the Aſſembly of 1702/3-1705.

The ſpelling of the names in this liſt, as in thoſe that follow, is in each caſe that of the name as it appears for the firſt time in the Journal of the ſeſſion.

Accomack:	Tully Robinſon
	Richard Drummond
Charles City[1]:	Richard Bland
	Joſhua Winn
Elizabeth City:	Anthony Armiſtead[2]
	William Armiſtead
Eſſex:	James Baughan
	Richard Covington
Glouceſter:	Peter Beverley
	James Ranſon
Henrico:	William Randolph
	Francis Epps
Iſle of Wight:	Arthur Smith
	Thomas Giles
James City:	Benjamin Harriſon
	George Marable
King & Queen:	William Leigh[3]
	William Bird
King William:	John Weſt
	Thomas Weſt
Lancaſter:	John Turbervile
	William Ball
Middleſex:	Gawin Corbin
	Edwin Thacker[4]
Nanſemond:	Thomas Swan[5]
	Henry Jenkins
New Kent:	Joſeph Foſter
	James Moſſe
Norfolk:	James Wilſon
	Thomas Hodges
Northampton:	Benjamin Nottingham
	Jacob Johnſon
Northumberland:	Richard Haney
	John Harris
Prince George:[6]	Robert Bolling
	William Harriſon
Princeſs Anne:	Edward Moſeley
	Adam Thorowgood
Richmond:	William Robinſon
	David Gwyn[7]
Stafford:	Rice Hoe
	Richard Foſſaker
Surry:	Nathaniel Harriſon
	William Edwards
Warwick:	Miles Cary
	Robert Hubbert
Weſtmoreland:	Charles Aſhton
	Henry Aſhton
York:	Thomas Barbar
	Thomas Ballard

[1] Richard Bland and Joſhua Winn were diſcharged at the beginning of the third ſeſſion (p. 50), and were ſucceeded by Drury Stith and Edward Hill (p. 62). Bland and Winn had been elected to repreſent Charles City County as the county ſtood before Prince George was formed from it. After Prince George was cut off and allowed repreſentatives, a new election was held in Charles City.

[2] Anthony Armiſtead died during the fourth ſeſſion, and was ſucceeded by Nicholas Curle (p. 109).

[3] William Leigh died before the opening of the third ſeſſion (p. 47), and was ſucceeded by John Walker (pp. 60, 62).

[4] Edwin Thacker died ſome time before the opening of the third ſeſſion (p. 47), and was ſucceeded by William Churchill (pp. 60, 62).

[5] Thomas Swan died before the opening of the third ſeſſion (p. 46), and was ſucceeded by Daniel Sullivant (p. 69).

[6] Prince George County was firſt repreſented in the third ſeſſion of this Aſſembly (p. 48).

[7] David Gwyn died ſome time before the opening of the fourth ſeſſion (p. 87). No ſucceſſor was elected.

Burgeſſes for the Aſſembly

of 1705-1706.

Accomack:	John Waſhbourn John Wiſe	Nanſemond:	Daniel Sullivan Henry Jenkins
Charles City:	Benjamin Harriſon Edward Hill	New Kent:	Nicholas Merriwether Nathaniel Weſt
Elizabeth City:	William Armiſtead Anthony Armiſtead	Norfolk:	Thomas Hodges George Maſon
Eſſex:	Francis Goldman Francis Merriwether	Northampton:	William Waters John Cuſtis, Jr.
Glouceſter:	Peter Beverley James Ranſon	Northumberland:	Chriſtopher Neale Peter Hack
Henrico:	William Randolph Francis Epes	Prince George:	Robert Bolling Richard Bland
Iſle of Wight:	Anthony Hollyday Samuel Bridger	Princeſs Anne:	Edward Moſeley Adam Thorowgood
Jameſtown:	Robert Beverley	Richmond:	William Robinſon William Tayloe
James City:	George Marable John Gadis	Stafford:	George Maſon Wm. Fitzhugh
King & Queen:	William Bird James Taylor	Surry:	Nathaniel Harriſon William Edwards
King William:	Thomas Weſt John Weſt	Warwick:	Miles Cary William Cary
Lancaſter:	William Ball William Leiſter	Weſtmoreland:	George Eskridge Daniel McCarty
Middleſex:	Chriſr Robinſon Harry Beverley	York:	Thomas Barbar Thomas Ballard

Burgeſſes for the Aſſembly

of 1710-1712.

Accomack:	Hancock Cuſtis	Nanſemond:	Thomas Godwin
	Richard Drummond		Francis Milner
Charles City:	Littlebury Epes[1]	New Kent:	Nicholas Merriwether
	Samuel Harwood		John Stanup
Elizabeth City:	Nicholas Curle	Norfolk:	James Wilſon
	William Armiſtead[2]		George Newton
Eſſex:	James Baughan	Northampton:	Benj. Nottingham
	John Hawkins		Charles Floyd
Glouceſter:	Peter Beverley	Northumberland:	Chriſtopher Neale
	Ambroſe Dudley		Peter Preſley
Henrico:	John Bolling	Prince George:	John Hardiman[5]
	William Randolph[3]		Robert Bolling
Iſle of Wight:	Arthur Smith	Princeſs Anne:	Max. Bouſh
	Joſeph Godwin		Henry Spratt
Jameſtown:	Nathaniel Burwell	Richmond:	William Tayloe[6]
			Wm. Robinſon
James City:	Thomas Cowles	Stafford:	George Maſon
	Henry Soane		John Waugh
King & Queen:[4]	William Bird	Surry:	William Gray
	John Holloway		John Simons
King William:	John Waller	Warwick:	William Harwood
	Henry Fox		William Cary
Lancaſter:	William Ball	Weſtmoreland:	George Eskridge
	Edwin Conway		Willoughby Allerton
Middleſex:	John Robinſon	York:	Thomas Ballard[7]
	Chriſtopher Robinſon		William Barbar

[1] On conteſt, Thomas Parker was declared elected in place of Littlebury Epes (p. 246). Parker died ſometime before the 20th of November, 1710 (p.272), and it ſeems probable that Littlebury Epes was elected to ſucceed him; for the name "Epes" appears on page 291, and Francis Epes, who later became a member, had not yet been elected (p. 232).

[2] William Armiſtead's ſeat was conteſted, and Francis Ballard was declared to have been elected (pp. 246, 247).

[3] William Randolph died before the opening of the ſecond ſeſſion (p. 301), being ſucceeded by Francis Epes (p. 332).

[4] William Bird and John Holloway were declared by the Houſe not duly elected, and a new election was ordered (pp. 256, 257). At a ſecond election, however, they were again returned (p. 332).

[5] John Hardiman died before the opening of the ſecond ſeſſion (p. 301), being ſucceeded in the Houſe of Burgeſſes by Edward Goodrich (p. 332).

[6] William Tayloe was duly elected and returned as a member of the Houſe for this Aſſembly, but died before the opening of the firſt ſeſſion (p. 244). His ſucceſſor was John Tarpley (p. 332).

[7] Thomas Ballard, duly elected and returned a member, died before taking his ſeat (p. 244). His ſucceſſor was probably William Buckner (p. 257).

Introductory Note.

THE text of the Journals compoſing this volume, there being altogether Journals for ſeven ſeſſions (four ſeſſions of the Aſſembly of 1702/3-1705, one of the Aſſembly of 1705-6, and two of the Aſſembly of 1710-12) has been obtained from tranſcripts of copies in the *Engliſh* Public Record Office. No copy of any one of theſe Journals has come to light elſewhere. The Journals have never been printed before, and they appear in this volume juſt as they were copied by the clerk of the Houſe of Burgeſſes or his aſſiſtants for tranſmiſſion to *England*. The ſpelling, punctuation, capitalization, etc. of the originals have been faithfully followed, and even the abbreviations, for if liberties of any kind were permitted with the text there would be grave danger of going too far. The ſpecial characters uſed in indicating theſe abbreviations are: c̃, indicating ti (menc̃oned, for example, for mentioned); ꝺ, indicating leman or lemen (gentꝺ, ſtanding for gentleman or gentlemen, uſually the latter); p̄, indicating pre (p̄vent, for prevent); q_3, indicating que (annoq$_3$, for annoque); m̃, indicating mm (ſum̃on, for ſummon). In general, a curve over a letter indicates the omiſſion of a letter or letters either preceding or following the marked letter.

Preface

Hiſtorical Setting.

THE Journals embraced in this volume are thoſe for the period limited by the dates *March* 19, 1702/3, and *January* 31, 1711/12. King *William* III, of *England*, died on *March* 8, 1701/2. His wife, Queen *Mary*, the daughter of *James* II, had died in 1694, leaving no children. Hence, in accordance with the proviſions of the Declaration of Rights of the Convention which in 1688/9 had put *William* and *Mary* on the throne of *England* in the place of *James* and eſtabliſhed the Proteſtant ſucceſſion, this Declaration of Rights having become the Bill of Rights paſſed by the firſt Parliament of *William* and *Mary*, *Anne*, the ſiſter of *Mary*, became queen. Her reign laſted till *Auguſt* 1, 1714. Accordingly, the period covered by the Journals in this volume is almoſt coterminous with it.

The great overſhadowing fact of the reign of Queen *Anne* was the war carried on between the Grand Alliance (compoſed of *England*, *Auſtria*, *Holland*, *Portugal*, *Savoy*, and moſt of the *German* ſtates) on the one hand, and *France*, *Spain*, and *Bavaria* on the other. The participation of *England* in this war was the reſult of two cauſes: firſt, the ſucceſſion to the throne of *Spain* on the death of *Charles* II, on *November* 1, 1700, of *Philip* of *Anjou*, the grandſon of *Louis* XIV; and ſecond, the recognition by *Louis* XIV, at the death of *James* II, on the 6th of *September*, 1701, of *James*'s young ſon as King of *England*, deſpite the fact that the *Engliſh* Parliament had given the throne to *Anne* and had deſignated *Sophia*, electreſs of *Hanover*, or, in caſe of her death, her heir, to ſucceed *Anne*. With *France* all-powerful, the control of the *Engliſh* people over their own affairs would be at an end, for *Louis* XIV, a firm believer in the doctrine of the divine right of kings, would be certain to place the ſon of *James* II on the throne of *England* by force of arms and keep him there. *William* of *Orange*, who had ſpent his life in combating the overweening ambition of *Louis*, and who had accepted the crown of *England* in order to be able to uſe the force of *England* in defenſe of *Holland*, and had done ſo in the war which had been brought to a cloſe by the treaty of *Ryſwick* (1697), was eager to go to war again on the ſeizure by *Louis* early in 1701 of the "barrier fortreſſes." Theſe fortreſſes were a ſeries of fortified towns on the ſouthern frontier of the *Spaniſh Netherlands*, which had been eſtabliſhed by the *Spaniards* in the days when *Spain* and *France* were enemies and which at this time were garriſoned in the caſe of each partly by *Dutch* and partly by *Spaniſh* troops. The expulſion of the *Dutch* by the *French* was carried through with the aſſiſtance of the *Spaniards*. Hence this act ſhowed clearly the determination of *Louis* to uſe the power of *France* and that of *Spain* as one; and as a reſult of it the territory of *Holland* lay open to invaſion. *William* was compelled, however, to wait; for the Tory party, oppoſed to war, had control of the Houſe of Commons. But when *Louis*, later in the year, recognized the Pretender as king of *England*, *William* diſſolved his Tory Parliament, and in the new Houſe of Commons the Whigs had a majority. This Parliament increaſed the army to 40,000 men and voted a large ſum to the navy. *William* had already prepared for the war which was inevitable by organizing the Grand Alliance. But it was not deſtined that he ſhould have the pleaſure again of leading great armies, for before war was actually declared he had died. Fortunately, a greater ſoldier than he, however, was at hand to take his place, *John Churchill*, who became the duke of *Marlborough*. And he was perhaps a greater diplomat, too, than *William*; for his ſkill in controlling the heterogeneous elements en-

gaged with him in the war is almoſt as much to be admired as his military genius, atteſted though this be by ſuch victories as *Blenheim*, *Ramillies*, *Oudenarde*, and *Malplaquet*.

In the battle of *Blenheim*, *Marlborough* commanded 52,000 men, of whom probably not more than one-fifth were *Engliſhmen*, the reſt being *Auſtrians*, under Prince *Eugene* of *Savoy*, *Dutchmen*, *Pruſſians*, *Hanoverians*, *Danes*, and what not, while of the *French* and *Bavarians* there were 56,000 of the very beſt troops that could be aſſembled. They were commanded by ſuch leaders as Marſhals *Marſin* and *Tallard*. Moreover, the *French* part of the army had behind it the tradition of continuous *French* victory whenever battles had been fought in the open field ſince the battle of *Rocroi*, fought ſixty-one years before, in which the *French* had broken the hitherto invincible *Spaniſh* infantry. On this day, however, their habit of victory, their advantageous poſition, and their ſuperiority in numbers did not avail. They ſuffered a diſaſtrous defeat, not one-half the *Franco-Bavarian* army eſcaping. And the reſults of the battle were in proportion to its magnitude. Not only was the preſtige of the *French* ſoldiers loſt for a time, but *Auſtria* was ſaved from invaſion, and *Bavaria* was at the mercy of the allies.

With the exception of *Blenheim*, *Marlborough*'s great battles were fought and ſieges conducted in the *Netherlands*, in *Flanders*, and on the northeaſtern frontiers of *France*. But this territory was not the only theatre of the war. Northern *Italy* was the ſcene of many battles, and *Spain* of more, while ſouthern *France* itſelf did not eſcape. In 1704, the year of the battle of *Blenheim*, an event occurred in *Spain* of even greater laſting importance to *England* than the victory of *Blenheim* itſelf. This was the capture of *Gibraltar* by an *Engliſh* and *Dutch* fleet under Admiral *Rooke*, aſſiſted by troops under the command of Prince *George* of *Heſſe-Darmſtadt*. The poſſeſſion of this impregnable fortreſs, "the key of the *Mediterranean*," has proved of incalculable value to *England* in all her wars ſince.

Though *Marlborough* was himſelf uniformly ſucceſsful in the war, the allies, when not under his command, ſuffered many defeats. Even Prince *Eugene*, by many conſidered the equal, if not the ſuperior, of *Marlborough* as a ſoldier, was ſometimes beaten, notably, at *Caſſano*, in *Italy*, in 1705, where he was ſeverely wounded, and before *Toulon* in 1707. In 1707, alſo, in *Spain*, the allies (moſtly *Engliſh*) ſuffered a cruſhing defeat at the hands of the *French* and *Spaniards* at *Almanza*, where the *Engliſh* army was commanded by a *Frenchman*, the *Huguenot Ruvigny*, who had gone to *England* with *William* of *Orange* and had been made the Duke of *Galway*, and the *French* army was under an *Engliſhman*, the duke of *Berwick*, the natural ſon of *James* II.

In this period, too, *Peter* the Great was laying the foundations of *Ruſſian* power, and *Charles* XII of *Sweden* was conducting the campaigns that amazed the world. But neither of theſe affected to any great extent events in weſtern *Europe*, except that in the campaigning ſeaſon of 1707, when *Charles* XII invaded *Saxony*, it became neceſſary, ſince it was feared that he might form an alliance with the *French*, for the duke of *Marlborough* to ſpend valuable time in viſiting him in his camp and in cajoling him into marching off to a more comfortable diſtance from the *Netherlands*. It was mainly for this reaſon that in 1707 *Marlborough* achieved little in the field.

In this period of *Engliſh* hiſtory the party and cabinet ſyſtem of government had not become fully developed. Accordingly, when Queen *Anne* came to the throne, moſt of the Whig miniſters who were in office when King *William* died were diſmiſſed by the queen, who was under the influence of the imperious *Sarah Jennings*, the wife of the duke of *Marlborough*, and in their places were put the adherents of *Marlborough*, who at this time called himſelf a Tory. Lord *Godolphin*, whoſe ſon had married *Marlborough*'s daughter, became chief miniſter, and remained in power till 1710, poſing as a Tory till 1706, and after that as a Whig, ſince the majority of the Tories were deſirous of bringing the war to a cloſe. In 1706 the earl of *Sunderland*, an extreme

Whig, who had alſo married a daughter of *Marlborough*, became ſecretary of ſtate, though Queen *Anne*, now growing weary of the temper of the ducheſs, and alſo diſliking the Whigs as being in her opinion enemies of the church, was far from pleaſed to make the appointment; and by 1708 the entire miniſtry was Whig, *Marlborough* now announcing himſelf as an adherent of that party. But this miniſtry was not to continue long in power. The majority of the people of *England* were beginning to realize that the coſtly and bloody war ſhould end, its object, ſo far as *England* was concerned (that is, the keeping of *Louis* XIV within bounds) having been practically accompliſhed; and in 1710 *Godolphin* fooliſhly gave occaſion for the ſtirring up of high church animoſity againſt his government by cauſing the impeachment of Dr. *Sacheverell*, a Tory clergyman, for preaching two violent political ſermons in which he had criticiſed and ridiculed the members of the government. Dr. *Sacheverell* was by the Whig Houſe of Lords pronounced guilty, and on him a light puniſhment was impoſed, but throughout the country the cry went up that the liberty of the pulpit had been violated, Dr. *Sacheverell* became a hero, and the Whigs were denounced. Coincidentally with all this, the queen was drawing more and more away from the influence of the ducheſs of *Marlborough* and transferring her affections to Mrs. *Maſham*, the couſin of *Robert Harley*, a Tory, who had been for ſome time the queen's ſecret political adviſer. By *Harley*'s advice the ducheſs of *Marlborough* was diſmiſſed from the court, and very ſhortly *Godolphin* and *Sunderland* were diſmiſſed from office. Nor was it long, a Tory majority having been elected in 1710 to a new Houſe of Commons, before a new miniſtry compoſed altogether of Tories, the chief of which were *Harley*, ſoon to become the earl of *Oxford*, and the much more brilliant *Henry St. John*, later created viſcount *Bolingbroke*, was in power. Secret negotiations were immediately begun with *France*, and in the courſe of time the duke of *Marlborough* was recalled to *England*, where it was neceſſary for him to face the charge of peculation, for which he had, unfortunately, furniſhed grounds in his acceptance of large ſums from the contractors who furniſhed ſupplies to his army, and other large ſums from the emperor in the form of commiſſions on the ſubſidies paid by *England* to *Auſtria* in order to aid her in carrying on the war. The command of the army was given to the duke of *Ormond*, with inſtructions that he was to remain inactive. This was in 1711. In 1711 occurred, alſo, another event of the greateſt importance, namely, the creation by the queen at the inſtance of *Harley* of twelve Tory peers to overcome the Whig majority in the Houſe of Lords, ſo that the Tory miniſterial policy in reference to the war might the more readily be carried through. In 1713, on the 31ſt of *March*, the famous treaty of *Utrecht* was ſigned, which affected only *England* and her minor allies. *Auſtria*, deſerted by the other members of the Grand Alliance, kept up the fight ſingle-handed againſt the *French* till the next year, when an agreement was come to in the treaty of *Raſtadt*.

Though the reſults of this war were of the very greateſt importance to *England*, ſince ſhe came out of it with valuable additions to her territory and with her naval power vaſtly increaſed and the power of *France* checked, theſe reſults are all probably eclipſed in importance by the reſults of an act paſſed in 1707. This was the act for the union of *England* and *Scotland*, which conſolidated the two kingdoms ſo far as their law-making body was concerned, as they had been united under one crown ſince the days of *James* I, a meaſure of union, however, which there was danger of loſing ſince the paſſage in 1703 by the *Scottiſh* Parliament of what was called the "Act of Security," providing that after the death of *Anne* the ſucceſſor to the throne of *Scotland* ſhould not be the ſame as the ſucceſſor to the throne of *England*. In 1704 Queen *Anne* was forced to give her aſſent to this act. The queſtion of the complete union of the two kingdoms was one in which King *William* III had taken much intereſt, and on the acceſſion of *Anne* commiſſioners had been appointed, in 1702, to diſcuſs terms. The *Scotch* held out for freedom of trade between the two countries and equality of commercial privileges, to which the *Engliſh* would not accede, and it was in conſequence of this rather ſelfiſh attitude of the *Engliſh* that the Act of Security was paſſed, with all its poſſibili-

ties of future trouble and war between the two alienated neighbors. The *Engliſh* miniſters were wiſe enough, however, in the end to give way on theſe points, and alſo to give pledges for the ſecurity of the church of *Scotland* and for the perpetuation of the *Scottiſh* law courts and univerſities.

The *American* part of the war of the *Spaniſh* Succeſſion was called Queen *Anne*'s War. In it the *French* and Indians made attacks upon ſuch outlying ſettlements in *New England* as *Wells*, *Saco*, *Caſco*, *Deerfield*, and *Haverhill*. The *Engliſh*, on their part, captured in 1710, *Port Royal*, in *Acadia*, their forces being under the command of Sir *Francis Nicholſon*, former governor of *Virginia*, and at the cloſe of the war the town and the country were both retained by *England*, the one being renamed *Annapolis* and the other *Nova Scotia*. They, however, failed diſmally in an attempt with a ſtrong force on *Canada* in 1711. In 1706, *South Carolina* was attacked by a *French* and *Spaniſh* force, without, however, any very damaging effects, except to the invaders themſelves, of whom many were killed and captured. In all the colonies there were conſtant alarms occaſioned by the reports of the fitting out of expeditions in the *French* and *Spaniſh Weſt Indies* deſigned for the conqueſt or the harrowing of the *Engliſh* colonies. Moreover, *French* privateers were continually hovering about the coaſts and bays, and theſe from time to time ſucceeded in capturing *Engliſh* and colonial merchant veſſels, in ſpite of the vigilance of the *Engliſh* men-of-war acting as convoys and guardſhips. Occaſionally the privateers would land men at unprotected points and commit depredations. The period of the war was, conſequently, a time of great depreſſion of trade and of actual hardſhips in the colonies, and its cloſe was hailed with rejoicing. By the treaty of *Utrecht*, which brought the war to an end, the *Engliſh* ſecured on the continent of *America*, *Hudſon Bay* Territory and *Newfoundland*, in addition to *Nova Scotia*.

Aſſembly of 1702/3-1705.

Firſt Seſſion.

OF this Aſſembly there were four ſeſſions. The firſt laſted from *March* 19, 1702/3, through *April* 10. The Aſſembly had been called to meet in its firſt ſeſſion on *March* 17, but before meeting had been prorogued to the 19th. The ſecond ſeſſion met on *April* 20, 1704, being prorogued the ſame day; the third laſted from the 21ſt of *April*, 1704, through *May* 12; and the fourth, from *April* 18 through *May* 12, 1705.

The firſt ſeſſion was held in the hall of *William* and *Mary* College. The ſtate houſe at *Jameſtown* had been deſtroyed by fire on *October* 31, 1698, and though the Aſſembly that met in *April*, 1699, had promptly made proviſion for the erection of a capitol at *Williamſburg*, the ſtructure was not yet ready for occupancy. The Houſe of Burgeſſes was compoſed at this ſeſſion of forty-eight members, two members each for the twenty-four counties of the Colony. Though the law for the erection of *Prince George* County (named for Prince *George* of *Denmark*, the huſband of Queen *Anne*) had been paſſed at the *Auguſt* 1702 ſeſſion of the General Aſſembly, not all the ſteps neceſſary to the final formation of the county had been taken, and hence it was not yet repreſented in the Houſe of Burgeſſes. Neither *Williamſburg* nor *William* and *Mary* College was repreſented, and *Jameſtown* itſelf was at this ſeſſion not allowed a member. So far as *Jameſtown* was concerned, the members of the Houſe evidently thought that ſince the place had loſt moſt of its inhabitants, it was not fair that thoſe who remained ſhould have the power of ſelecting a burgeſs. Later, however, a different view prevailed, and *Jameſtown* was regularly down to the *Revolutionary* War allowed the right of ſending a member to the ſeſſions of the Houſe of Burgeſſes.

The main object of the governor in calling the Aſſembly together at this time was to endeavor again to prevail on the Houſe to comply with the inſtruction ſent from *England* that *Virginia* ſhould make a contribution of money and furniſh a number of men (or money in lieu thereof) toward the defenſe of the Province of *New York*, ſince this would be at the ſame time a meaſure of ſelf-defenſe. This was the ſame inſtruction contained in a letter written by *William* III bearing date *January* 19, 1700/1, before the actual breaking out of the great war which was now raging, but at a time when preparation for the war had been already begun. Nor was the plan even then a new one, having been propoſed certainly as early as 1692. King *William*'s requeſt had not been then complied with, nor had it later, though renewed, met with a more favorable reception, the plea of the Burgeſſes being that the Colony was unable, on account of its weakneſs and poverty, to furniſh the aſſiſtance, and that the erection of the contemplated forts on the frontiers of *New York* would be of no more ſervice to *Virginia* in preventing Indian incurſions than were the forts already erected. Though at this ſeſſion of the Aſſembly Governor *Nicholſon* worked faithfully and plead earneſtly with the Burgeſſes, and though the members of the Council were diſpoſed to vote the ſupply, the Burgeſſes proved as obdurate as before. The governor, however, had the ſatisfaction of receiving from the Houſe of Burgeſſes aſſurances that the intimation which had come to him from *London*[1] that his advocacy of the ſupply was the real cauſe of the failure of the meaſure had no foundation in fact, the Burgeſſes denouncing the report as "falſe, ſcandalous, and malicious."[2] Before the cloſe of the ſeſſion the Burgeſſes drew up an addreſs to her majeſty, in which, after congratulations were offered on the propitious beginning of her reign, the notice of the queen was

[1] See p. 15.
[2] See p. 16.

humbly called to the addreſs which had been drawn up by both the Houſe and the Council in 1699. The declaration was made that the good reaſons ſet forth in that addreſs continued, nay, were ſtrengthened by the fact that *England* was now actually at war with *France* and *Spain* and the coaſts of *Virginia* liable to attacks from the enemy.[3] An addreſs was alſo drawn up and preſented to Governor *Nicholſon* asking his aſſiſtance in having the addreſs to the queen properly preſented. The addreſs of the Houſe and the Council in 1699 had been placed in the hands of a ſpecial agent—Colonel *William Byrd* (the ſecond of the name)—but ſince the home authorities had expreſſed their diſpleaſure at this proceedure, recourſe was had in the preſent inſtance to the regularly conſtituted medium of communication.

The queſtion of the *New York* ſupply was the occaſion of a diſpute between the two houſes as to the proper method of procedure in caſes where the Council wiſhed a conference with the Houſe when the Houſe had refuſed to appropriate money. The reſolution declaring the inability of the Colony to comply with her majeſty's commands was paſſed by the Houſe on the 30th of *March*,[4] and it was immediately ordered that a meſſage be ſent the Council deſiring their concurrence in the reſolution, and asking that they appoint a committee to conſult with a like committee from the Houſe as to the beſt methods of repreſenting to the queen the impoſſibility of acting in accordance with her wiſhes. On the following day the Council, without having diſſented from the reſolution of the Houſe, ſent to the Houſe a requeſt for a conference on the ſubject of the reſolution as to the inability of the Colony to furniſh the ſupply. The Houſe immediately reſolved, by a unanimous vote, that they would not agree to the requeſt of the Council till the Council ſhould return the reſolution of the Houſe referred to with their concurrence or diſagreement therein. To this the Council replied on the ſame day that, not underſtanding the reaſons for the reſolution of the Houſe as to the inability of the country to raiſe the money, they knew of no other means of enlightenment than the uſual method of a conference, to which they, with ſurpriſe expreſſed at the action of the Houſe in refuſing the firſt requeſt, inſiſted as their undoubted right.[5] The Houſe ſtood firm. In their meſſage in reply they admitted that conferences were frequently neceſſary between the two houſes, but held that always either houſe was at liberty to refuſe a requeſt for a conference coming from the other; for, otherwiſe, the time of either houſe might not be controlled by itſelf but by the other houſe. They maintained, moreover, that always when a conference was granted, the bill or reſolution which was the ſubject-matter of the conference was paſſed by one houſe and ſent over to the other, which had to expreſs an opinion thereon before any further ſtep was in order. Inſtances were not wanting, the Burgeſſes affirmed, in which the Burgeſſes had refuſed to grant conferences when the Council had deſired them before ſignifying their opinion on the matter under conſideration.[6] The Council in their meſſage in reply argued (though not very clearly and logically, certainly not in a manner convincing to the Burgeſſes) that there was a difference between the caſes referred to and the preſent one, in that in none of them was the denial of a ſupply by the Houſe involved.[7] The Houſe appears to have had the better of the argument. It does not ſeem improbable that the Council, not wiſhing to go on record, without the ſupport of the other chamber, as favoring a ſupply of which they had before diſapproved, but wiſhing at the ſame time to gain the good opinion of the *Engliſh* government, cleverly arranged this diſpute ſo as to befog the ſituation.

In *April*, 1699, the General Aſſembly of *Virginia*, following inſtructions given by the Board of Trade, had paſſed an act appointing a committee for the reviſal of the laws of the Colony. The committee, conſiſting of members of both chambers, were to labor during the receſſes of the Aſſembly and as ſoon as poſſible ſubmit their reſults in

[3] See p. 33.
[4] See p. 16.
[5] See p. 18.
[6] See p. 19.
[7] See p. 25.

the form of bills for final action. At the preſent ſeſſion of the Aſſembly the committee had at laſt finiſhed their work—in fact, they had finiſhed by the opening of the preceding ſeſſion—and the Houſe ſpent ſome time in the conſideration of a few of the bills. None, however, was paſſed and ſent up to the Council. The work was not finally diſpoſed of till the ſeſſion of *October*, 1705. But the Committee of Reviſal, having accompliſhed the purpoſe for which it had been appointed, was diſcontinued, the ſeveral amounts due its members and clerks for their ſervices being ordered paid.

This Committee of Reviſal had alſo had under its ſuperviſion the conſtruction of the capitol; and ſince the capitol was not yet completed, it became neceſſary to name a new commiſſion. Yielding to the opinion of the Council that a committee conſtituted merely by a reſolution of either houſe, or even by a joint reſolution, would be diſſolved at the cloſe of the ſeſſion and could not legally act thereafter, the Houſe, in the reſolution naming the three men, one from the Council (whoſe name had been ſent down by that chamber) and two from the Houſe, who were to engage in the work, refrained from conſtituting them a "committee," merely "appointing and empowering" "them to execute the ſame truſt for carrying on the building of the capitol and priſon that was formerly veſted in the committee appointed to reviſe the laws."[1]

Since the 15th of *April* of each year was the time ſet by law for the beginning of one of the two ſeſſions of the General Court, and the work of the General Aſſembly could not well go on while the time of the members of its upper chamber was being ſo largely taken up in attention to their judicial duties, as ſoon as it became evident beyond a doubt that the Houſe of Burgeſſes could not be brought to vote for the *New York* ſupply it was ſeen by all that an adjournment or prorogation might as well be had. Accordingly, on *April* the 10th the governor prorogued the Aſſembly. It had been in ſeſſion juſt three weeks and one day. It had not paſſed a ſingle law. The Houſe had, however, been buſy with claims, petitions, and grievances, and very buſy in reference to the matters referred to above.

Second Seſſion.

The ſecond ſeſſion of this Aſſembly alſo met at *William* and *Mary* College. It is diſtinguiſhed among the ſeſſions of the Aſſembly as being the ſhorteſt ever held, laſting only part of a day. *Hening* does not make of it a ſeparate ſeſſion, conſidering it part of the ſeſſion which began in the capitol the day following, and allowing for this General Aſſembly only three ſeſſions inſtead of four. That the proceedings of this one day, however, ſhould be looked upon as conſtituting thoſe of an entire ſeſſion, is proved by the ſpeech of Governor *Nicholſon* to the Burgeſſes and the Council at this meeting. This ſpeech is not given in the Journal of the Burgeſſes for that day, but is contained in a copy of the Journal of the Council, fortunately preſerved in manuſcript in the *Virginia* State Library. It is as follows: "Her Majeſty Queen *Anne*'s royal capitol being the place appointed by act of Aſſembly for holding the General Aſſembly, and that building being now ſo far finiſhed as to be capable of accommodating this Aſſembly, I do hereby in her majeſty's name prorogue you to the 21ſt inſtant, to meet at her majeſty's ſaid capitol, and you are accordingly hereby prorogued." It will be noticed that the Aſſembly was not adjourned to the next day but prorogued. A prorogation, of courſe, always ended a ſeſſion. That the clerk of the Houſe of Burgeſſes and the clerk of the Council both underſtood the meeting the next day at the capitol to be the firſt meeting of a new ſeſſion, is ſhown by the fact that in each caſe the day's proceedings are prefaced by the uſual form uſed at the beginnings of ſeſſions, in this volume appearing on the title pages for the proceedings of the individual ſeſſions, namely, "Journall of the Houſe of Burgeſſes at a General Aſſembly begun" etc. This form was never uſed except at the beginning of a ſeſſion.

[1] See pp. 34, 35.

Third Seffion.

The third feffion began *April* 21 and ended *May* 12, 1704. This was the firft feffion held in the new capitol at *Williamfburg*. On the opening day of the feffion only thirty-three Burgeffes of a poffible fifty were preſent. The Houſe had two more members than at the firft feffion, *Prince George* County being now repreſented. Since *Prince George* had been cut off from *Charles City*, a ſecond election was, at the requeſt of the voters of the old county, ordered for that county.

At the opening of this feffion an additional oath had to be taken by the members and officers of the Houſe of Burgeffes, namely, the oath preſcribed in the act paſſed in *England* in the firſt year of Queen *Anne*'s reign entitled "An act to declare the alterations in the oath appointed to be taken by the act entitled an act for the further ſecurity of his majeſty's perſon, and the ſucceſſion of the crown in the Proteſtant line, and for extinguiſhing the hopes of the pretended prince of *Wales* and all other pretenders and their open and ſecret abettors, and for declaring the Aſſociation to be determined." Since it was neceſſary that this new oath be taken, it ſeemed well to the governor and the Council to have the ſeveral cuſtomary oaths adminiſtered again. To this there was no objection made by any Burgeſs except Mr. *William Harriſon*, the honorable member for *Charles City*, who refuſed to take the ſpecial oath of a Burgeſs again, ſince he had already taken it at the opening of the firſt ſeſſion of the Aſſembly. Why he did not refuſe to take the other oaths (which preſumably he had alſo taken at that time) is not made clear.[9] On the opening day the governor made to the Aſſembly gathered in the Council chamber a complimentary and ceremonious addreſs, reſerving almoſt wholly for many written meſſages to the Houſe of Burgeſſes moſt of the matters of buſineſs which he wiſhed to call to their attention. However, in this opening addreſs, he announced to the Aſſembly that her majeſty had been pleaſed to ſend over as a preſent to the Colony her royal picture and coat-of-arms, for which he had no doubt the two chambers would join with him in returning appropriate thanks, and that he deſigned if it met with the approval of her majeſty to celebrate a jubilee at the completion of the one hundredth year of the ſettlement of the Colony, now ſo near at hand; and in a ſecond addreſs, made on *April* 29, he called the attention of the Houſe to an inſtruction he had received from her majeſty prohibiting gifts from colonial aſſemblies to royal governors, and to a letter from the Lords Commiſſioners of Trade and Plantations on the ſubject of the *New York* ſupply—that old bone of contention—adviſed the revival of ſeveral laws which had expired by limitation, and asked that if the Houſe ſaw fit to proceed with the reviſal of the laws at this ſeſſion he be informed, ſo that he might communicate many inſtructions from her majeſty and the Board of Trade bearing upon that matter.[10] In due time theſe matters were all conſidered by the Houſe, with the matters called to their attention in the meſſages of the governor and thoſe of the Council and in the various claims, petitions, propoſitions, and grievances preſented.

An addreſs of thanks for the portrait and the coat-of-arms and of good wiſhes for the continuance of her majeſty's proſperous reign[11] was drawn up in ſuch loyal and appropriate language that the Council and the governor found themſelves able to adopt it as their addreſs alſo. Fortunately, the propoſal that in the addreſs there ſhould be inſerted further reaſons for not furniſhing the ſupply for the *New York* forts was voted down in the Houſe.[12] Of this *New York* ſupply no further notice was taken during the ſeſſion. The wiſe order of her majeſty againſt the acceptance of gifts by

[9] The "Aſſociation" referred to in the act was an agreement entered into by thouſands of Engliſhmen, on the diſcovery in the ſpring of 1696 of a plot for the aſſaſſination of King William, to defend the king's perſon and government, and in caſe of his death to fight, if neceſſary, for the acceſſion to the throne of the heirs thereto as determined by act of Parliament. The "Aſſociation" was now no longer neceſſary ſince King William was dead, Queen Anne had aſcended the throne, and the ſupport of her on the throne and the defenſe of the Proteſtant ſucceſſion were both better otherwiſe provided for.

[10] See pp. 58, 59.

[11] See p. 78.

[12] See p. 73.

her royal governors was duly entered upon the Journal of the Houſe,[13] to become, however, in the courſe of not a great number of years a dead letter. The expired acts of which the governor recommended the renewal were paſſed. The reviſal of the laws, however, it was voted to poſtpone to a more convenient ſeaſon.[14] The reaſon for this poſtponement is not given, but is to be found poſſibly in the fact that the veſſels laden with tobacco and other produce were to ſail for *England* under convoy the laſt of *May* and therefore the preſence of many of the members of the Aſſembly was needed at their reſpective homes. The work of reviſal, moreover, was bound to prove a lengthy and laborious one, and one therefore, which it would not be wiſe to undertake during a ſummer ſeſſion.

There were paſſed at this ſeſſion eleven laws and two ordinances. All are given in *Hening* merely by title, ſince they were all temporary or local meaſures or were incorporated, probably with amendments, in the laws of 1705, when at laſt the great reviſal of the laws was accompliſhed. A fairly good underſtanding of their ſubject-matter may be obtained from the Journals and from the laws of 1705. The firſt act merely repealed an act paſſed in 1664 requiring that each ſettlement to be made on the frontiers ſhould be made with at leaſt four able-bodied men. The 1664 law had been paſſed on account of the fear of the Indians, but the enforcement of it had been found impracticable,[15] and now that new frontier territory, namely, that on the ſouth ſide of *Blackwater* Swamp and that in *Pamunkey* Neck,[16] was likely ſoon to be thrown open to ſettlement, it was thought beſt to repeal the law. The object of the ſecond law was to prevent Indians from hunting on patented land. It was the revival of part of a law paſſed in 1665 which had become inoperative. This act—how far amended, it is not poſſible now to ſay—was incorporated in the reviſal of 1705; from which law,[17] it will be ſeen that the penalties were impoſed, not upon the Indians themſelves, but upon the whites who employed them. The third act given in *Hening* had for its object the ſtandardization of tobacco hogſheads, which henceforth were to be "thirty-two inches over the head on the inſide and forty-eight inches long between the heads,"[18] preſcribed how they were to be branded, of what kind of lumber to be made, and how thick the ſtaves ſhould be, etc. A ſimilar act had been paſſed in 1686, and revived, with amendments, in 1691, to be in force for only three years. The act paſſed the preſent ſeſſion was, ſomewhat amended, made a part of the very important reviſed law of *October* 1705 entitled "An act for improving the ſtaple of tobacco, and for regulating the ſize and tare of tobacco hogſheads."

The next act laid an impoſition on liquors, ſervants, and ſlaves, and was to be in force for one year. It merely continued in force the acts paſſed in 1699 and 1701 for raiſing the money with which to pay for the building of the capitol. When money was raiſed in this way, it was neceſſary that there ſhould be a treaſurer to take care of it and pay it out on proper warrants; and it had by this time come to be conſidered beſt to elect the ſpeaker of the Houſe treaſurer. The firſt of theſe treaſurers was *Edward Hill* (1691), who was not ſpeaker,[19] but the ſecond one elected was *Robert Carter*, ſpeaker of the Houſe. This was in 1699. In the Aſſembly that held its firſt ſeſſion in *December* 1700, however, Mr. *Peter Beverley* was elected ſpeaker. In the *Auguſt* 1701 ſeſſion of this Aſſembly an act was paſſed continuing the act laying impoſitions on liquors, ſervants, and ſlaves, but no act electing a new treaſurer. Therefore Mr. *Carter* continued to hold the poſition. However, in the preſent ſeſſion an act appointing a treaſurer was one of thoſe paſſed, and though Mr. *Carter*, who by this time had been advanced to the Council, received ſome votes, the ſpeaker of the Houſe, Mr.

[13] See p. 62.
[14] See p. 80.
[15] See p. 57.
[16] See p. 48.
[17] Hening, III, 343.
[18] See p. 54.
[19] Hening, III, 93.

Peter Beverley, was choſen.[20] The Houſe very gracefully tendered their thanks to Mr. *Carter*[21] for the faithful diſcharge of his duties as treaſurer.

The public jail at *Williamſburg*, that is, the jail in which were to be incarcerated the priſoners to be tried in the General Court and thoſe convicted by that court, was now ready for its inmates. Accordingly, it became neceſſary at once to paſs a law declaring how ſuch priſoners were to be removed from the county jails. This law, probably with ſome amendments, became one of the reviſed laws of 1705. There was alſo paſſed, as dealing with a ſubject that could not well wait for the great reviſal, an act for allowing a greater number of ordinaries, as the inns or taverns of thoſe days were uſually called, and whatever of value there was in this law paſſed into the reviſed act of *October* 1705, entitled "An act for regulating ordinaries and reſtraint of tippling houſes."[22]

A law was alſo enacted for reviving a former act for improving the breed of horſes and for reſtraining "unruly" horſes. The part of this act having reference to "unruly" horſes was preſerved, poſſibly with amendments, in the reviſed act of 1705 having the title "An act for prevention of treſpaſſes by unruly horſes, cattle, hogs, ſheep, and goats, and by taking away boats and canoes,"[23] but the improvement of the breed of horſes was not made the ſubject-matter of a law again until 1722. Two acts were paſſed for the diviſion of pariſhes, the pariſh of *Sittenburn* and the pariſh of St. *Peter*'s. Theſe were rendered adviſable by the very inconvenient ſize and ſhape of the two pariſhes. From *Sittenburn* pariſh St. *Anne*'s was cut off; and from St. *Peter*'s, St. *Paul*'s.[24] In addition to the acts already named, the uſual act for raiſing a public levy was paſſed. The object ſought in one of the ordinances paſſed was to provide for the defenſe of the country in time of danger, and in the other to authorize the ſale to the governor of ſeveral ſmall houſes which had been built at public expenſe for the accommodation of the workmen engaged in the conſtruction of the capitol. Why theſe two objects were attained by the paſſage of ordinances rather than laws is not clear. In the paſſage of an ordinance, however, the three formal readings required in the caſe of a law were diſpenſed with.

The moſt important topic of diſcuſſion for the ſeſſion, however, did not become the ſubject-matter of either an act or an ordinance. This was the queſtion as to the beſt time for the merchant fleet to ſail under convoy from *Virginia* to *England* and the beſt time of ſetting out on the return voyage. Since the beginning of the war, it had been deemed eſſential that no ſhip engaged in the trade between *England* and *Virginia* be allowed to ſail unleſs protected by a war veſſel, and, the number of war veſſels which could be uſed in this ſervice being limited, that all the ſhips ſhould be formed each year into a fleet. This had been the policy from the opening of the war.

Two *Engliſh* men-of-war were now in *Cheſapeake* Bay,[25] awaiting the fleet. It ſeems that their commodore had received on his departure from *England* certain orders from the *Britiſh* admiralty directing him to proceed on his return voyage to *England* at a time much earlier than ſuited the *Virginia* trade. Though an order countermanding this had been written, a copy of which, ſent to the governor and Council by Mr. *Micajah Perry*, an *Engliſh* merchant, was at hand, the original order had not yet been received, and the commodore was not diſpoſed to act upon the authority of the atteſted copy. Hence there was an emergency, in which the governor wiſhed to bring to bear on the commodore the weight of the advice of the Houſe of Burgeſſes as well as of that of the Council. In reference to this queſtion there was no difference of opinion whatever, the governor, the Council, and the Houſe of Burgeſſes all agreeing that the fleet ought not to ſail before the laſt of *May*. Finally the governor and Coun-

[20] See p. 71.

[21] See p. 75.

[22] Hening, III, 395-401.

[23] Ibid., III, 279-282.

[24] The ſtatement in reference to St. Anne's pariſh is made on the authority of the Rev. E. L. Goodwin, of Aſhland, Va.; that in reference to St. Paul's, on the authority of Dr. C. G. Chamberlayne, of Richmond, Va.

[25] See p. 45.

cil iſſued an order to the commodore to delay his ſailing till that time,[26] and this order the commodore, no doubt becauſe it was backed by the certified copy of the order from *England*, conſented, it ſeems, to obey. Not only, however, was the ſailing of the fleet for this year a queſtion for conſideration, but alſo the general rule that ought to be adopted as to the time of ſailing from *Virginia* and the time of ſailing from *England*. It was held that as a general thing the fleet ſhould ſail from *England* each year the latter part of *Auguſt* or the beginning of *September*, but that no definite day for the ſailing from *Virginia* ſhould be named, but rather that the time ſhould be fixed each year by the governor and Council. The reaſons for theſe concluſions are ſet forth at large in the Journal.[27]

Another matter which engaged very largely the attention of the General Aſſembly at this ſeſſion, but which was not finally diſpoſed of, was the naturalization of the *French* refugees at *Manakin* Town and others at the head of the *York* River.[28] The concluſion was reached that they ſhould be naturalized by an act of the General Aſſembly, the paſſage of which, however, it would be neceſſary to poſtpone till they had taken the oaths required by law of applicants for naturalization. Proviſion was made for the adminiſtration of theſe oaths at the homes of the *Huguenots*, ſo that they might be ſaved the inconvenience and expenſe of being compelled to come to *Williamſburg*, where uſually the oaths were taken before the governor.[29] The act itſelf for their naturalization was paſſed at the next ſeſſion of the Aſſembly.[30]

Great good will ſeems to have prevailed throughout the ſeſſion among the members of the Houſe for both the governor and the members of the Council. Only in reſpect to one queſtion, ſince by this time the governor and Council had virtually acquieſced in the view of the Houſe as to the *New York* ſupply, did the members of the Houſe and the governor—and in this caſe the Council agreed with the Houſe—come into conflict. This was the ſource of payment for making out military commiſſions. Theſe commiſſions were prepared by the ſecretary of the Colony, who was paid twelve pence for his work on each commiſſion. Heretofore he had been paid, it ſeems, out of the funds provided by the public levy or the taxes on liquors, ſervants, and ſlaves imported. At this ſeſſion it was propoſed by the Houſe and aſſented to by the Council that payment ſhould be made from the revenue ariſing from the tax of two ſhillings per hogſhead on tobacco exported, of fifteen pence per ton on the burden of merchant veſſels coming to the Colony, and ſix pence per pole on the paſſengers, ſervants, and ſlaves brought in, out of which were paid ſalaries of officials and contingent expenſes of government. The governor, the eſpecial guardian of "the revenue," refuſed his aſſent to the propoſal, which had been inſerted in the book of claims, and therefore the payment had to be made in the uſual way. However, the Houſe paſſed a reſolution that for the future this method of payment would not be allowed.[31] Since in the diſputes as to the ſource of payment of various claims the Council almoſt invariably took the ſide of the governor, it ſeems probable that in their attitude on this occaſion may be ſeen an indication of that want of harmony between the Council and the governor which was ſoon to become acute.

Fourth Seſſion.

The fourth ſeſſion of this Aſſembly began at the capitol at *Williamſburg* on the 18th of *April*, 1705, and continued through the 12th of *May*. It proved to be the laſt ſeſſion of the Aſſembly and the laſt Aſſembly of Governor *Francis Nicholſon*'s adminiſtration; for on the 15th of *Auguſt* of the ſame year *Nicholſon* was ſucceeded as governor by *Edward Nott*. In fact, the order in Council making the change had been ſigned on the 12th of *April*, ſix days before the opening of the preſent ſeſſion,

[26] See p. 67.

[27] See pp. 52, 53, 57, 59, 60, 65, 66.

[28] For an account of the Huguenots in Virginia, ſee R. A. Brock's "Huguenot Emigration to Virginia."

[29] See pp. 47, 50, 53, 60, 63, 67; alſo Hening, III, 434, 435.

[30] Hening, III, 228.

[31] See p. 75.

but the information did not reach *Virginia* till much later. *Nicholſon* had made himſelf perſonally diſagreeable to many of the leading men of the Colony by his autocratic and violent manners, and had advocated an extremely unpopular plan for the government of all the *Engliſh* colonies in *America*, namely, that they ſhould be united under the adminiſtration of one governor-general, who ſhould have in military matters very large powers. Moreover, it was believed by many that he had inſtigated Colonel *Robert Quary*, ſurveyor-general of her majeſty's cuſtoms in *America* and a member of the Council of *Virginia*, to ſend a memorial to the Lords Commiſſioners of Trade in which it was charged that "commonwealth principles," that is, principles antagoniſtic to royalty, gained ground in *Virginia*, and that the *Virginia* people and the *Virginia* Aſſembly were conſtantly endeavoring to exerciſe greater privileges than were allowed elſewhere in the colonies.[32] Hence ſix members of the Council had ſent to the Privy Council in *England* a petition asking for his removal, charging maladminiſtration. Though it is doubtful whether the ſpecific charges made in the memorial of the ſix againſt the governor and in the affidavits of certain gentlemen in *England*[33] could be clearly proved, it no doubt ſeemed to the Board of Trade, to whom the matter was referred by the Privy Council for inveſtigation, that ſince evidently there was great diſſatisfaction felt by a large and influential party in *Virginia* with *Nicholſon*, it would be for the beſt intereſts both of *Virginia* and her majeſty's government to recommend that he be removed.

It is notable that in this controverſy between *Nicholſon* and a part of the Council a ſubſtantial majority of the members of the Houſe of Burgeſſes ſympathized with the governor, a fact which ſhould not be overlooked when a determination is fought of the meaſure of the governor's derelictions. On *May* the firſt, the governor ſent a ſpecial meſſage to the Houſe laying before them the information at that time in his poſſeſſion in reference to the ſteps which had been taken againſt him by his opponents, with the papers which had been ſent him by the Board of Trade bearing on the affair. It was reſolved by the Houſe to take the addreſs into conſideration on *May* the fourth. That morning promptly appeared at the door of the Houſe, asking that they might be heard in reference to the memorial and affidavits againſt the governor, Colonels *John Lightfoot*, *Robert Carter*, and *Philip Ludwell*, of her majeſty's Council of *Virginia*. After a debate, the motion was made that they ſhould be heard by the Houſe before the Houſe proceeded to the conſideration of his excellency's meſſage. This motion was loſt. Then a letter was brought in from the three honorable councillors, and the motion was made that the letter be conſidered. This motion was alſo loſt. The governor's addreſs and the ſeveral papers accompanying it were then read, and after a thorough conſideration of the whole ſituation a reſolution was adopted, by a vote of twenty-ſeven to eighteen, to the effect that in the opinion of the Houſe the governor had a great reſpect for the welfare and proſperity of the Colony and that the majority of his majeſty's ſubjects in *Virginia* were not of the ſame ſentiments with the part of the Council that had accuſed the governor of maladminiſtration. This was a day of great excitement in the Houſe. The ſeſſion, beginning at 9 o'clock in the morning, did not come to a cloſe till after candles had been brought in the evening. For the whole of a long *May* day the important iſſue had been fought out on the floor of the Houſe. And it took the whole of the next day alſo to diſpoſe of it finally, when ſix further reſolutions, being in effect a vote of confidence in the governor, were agreed to.[34]

The laſt of theſe reſolutions is as follows: "Reſolved, that whoever pretends to take upon himſelf to repreſent the country in general under any grievance or preſſure without the conſent and authority of this Houſe ſo to do, is thereby guilty of

[32] It ſeems that no memorial containing the expreſſions objected to had been received by the Board of Trade. (See Sainſbury Abſtracts, VII, 397.)

[33] One of theſe was Commiſſary Blair, who had gone to England eſpecially on this buſineſs and on buſineſs connected with William and Mary College, of which he was preſident.

[34] See pp. 107, 108.

an unwarrantable act tending to the prejudice of the country." In it may be discerned, beyond a doubt, the manifestation of a feeling which must have had its weight in securing a majority for the governor, namely, the feeling that the six members of the Council in taking such an important step without consulting the House had treated the House with discourtesy. Another influence at work rendering it possible that the vote of the House may not have reflected the prevailing opinion of the country, was the dependence of several members of the House on the governor and the secretary of the Colony for positions of profit held by them. The number of these has not been ascertained, but that the influence was felt to exist is shown by the fact that a day or two after the resolutions on the governor's address were passed a member moved for leave to bring in a bill to prevent any member of the House of Burgesses from holding an office of profit under the governor or the secretary during a session of an Assembly or for twelve months after its close. The proposal was rejected by a vote of twenty-five nays to twenty-one yeas.[35]

At this session there were passed, in addition to an ordinance for the defense of the country in times of danger, six laws, of which no one is given in full in *Hening* and only four by title.[36] The first title in *Hening* is "An act permitting the exporting and disposing of tobacco in old casks." The law provided that tobacco packed in hogsheads before the law passed by the General Assembly at the immediately preceding session in reference to the size of hogsheads went into effect might be sold, shipped, or otherwise disposed of as the owner thereof saw fit, if this were done within twelve months after the close of the present session of Assembly. The second act was the usual act for raising a public levy. The third was one empowering the court of *King* and *Queen* County to purchase land for the erection of a town. The fourth and last was the act for the naturalization of the *French* refugees at *Manakin* Town, these having by this time taken the necessary oaths.

One of the acts which was certainly passed at this session of the General Assembly but of which there is no mention in *Hening*, had the title "An act concerning the *Nansiattico* and other Indians." The Journal states definitely that this act was signed by the governor on the last day of the session but before the other acts of the session were taken up to him for his signature.[37] It seems that these Indians, a wretched band dwelling on the *Rappahannock* River in *Richmond* County, had been guilty of offences of so serious a character that the whole tribe, men, women and children, had been rounded up by a troop of *Richmond* County horse, under the command of Captain *Nicholas Smith*, and had been sent to *Williamsburg* for safe-keeping. Five of the men had been hanged,[38] and it was mainly to determine what punishment should be meted out to the rest of the tribe and to consult about Indian affairs in general that the Assembly had been called together. The punishment was harsh and thoroughgoing. The act provided that all the *Nansiattico* Indians more than twelve years of age—the number is not given—should be transported beyond sea and sold as servants for seven years, and after that be set at liberty to go where they pleased, provided they never returned to the Colony of *Virginia*, on pain of death. The children under twelve were to be bound out among the *English* as servants till they were twenty-four years of age, and on becoming free were to be restrained from settling in any Indian town.[39] The Council proposed as an amendment to the bill as it originally passed the House that the "old Indian man named *Mattox Will* and the woman named *Betty*" should be excepted from its provisions and set at liberty; but the members of the House were as flint. All had to go.[40] Provision was made for their transportation even before the close of the session.[41] So far as other Indians were concerned, the act

[35] See pp. 110, 111.
[36] Hening, III, 227, 228.
[37] See p. 123.
[38] Samsbury Abstracts, VI, 216.
[39] See pp. 97, 98.
[40] See pp. 113, 114.
[41] See pp. 119, 122, 123.

fixed the boundaries of the lands of the *Nottoway* and *Maherrin* Indians and provided for the adminiſtration of juſtice between individual *Engliſhmen* and individual Indians.[42] This important law conſumed in its paſſage much of the time of both the Houſe and the Council. The inception of the law was very unuſual, in that the Houſe and Council, through committees, had a prolonged conference on its ſubject-matter before the bill was drawn.[43]

The other act omitted by *Hening* had the title "An act for ſettling and aſcertaining the current rates of foreign coin in this dominion." This law, however, was not ſanctioned by the *Engliſh* government.

Another very important matter brought to the attention of the Houſe was the queſtion of convoys. It had been decided by the Aſſembly at the laſt ſeſſion that at leaſt two men-of-war ought to act as convoy of the fleet from *Virginia*. Now the time was approaching for the fleet to ſail and there was only one war veſſel at hand, whoſe captain had orders which would not permit him to remain in the *Cheſapeake* indefinitely. For this reaſon the captains of ſeveral of the merchant ſhips had petitioned the governor and Council to allow them to ſail with this war veſſel, giving ſtrong arguments why this ſhould be done.[44] The Houſe, after conſidering the queſtion thoroughly, reſolved to ſtand by their former deciſion.[45] Later on, a meſſage was ſent from the governor and council to the effect that three *French* privateers fitted out at *Martinique* had been ordered to cruiſe along the coaſt from *Virginia* to *New England*, and the opinion of the Houſe was asked as to the adviſability of declaring an embargo on the ſailing of all veſſels to the northern colonies or to the *Weſt Indies* till the ſailing of the man-of-war, about the middle of the next month, and to lay an embargo on their ſailing after that till news ſhould be brought that the privateers had gone from the coaſt, or till ſome other *Engliſh* man-of-war ſhould arrive.[46] In addition, the old queſtion was asked over again as to how many veſſels of war would conſtitute a ſufficient convoy. The meſſage was not a very ſenſible one, but the excuſe may be offered that it was framed juſt two days after the meſſage of the governor to the Houſe on the ſubject of the efforts of the ſix members of the Council to have him removed, and that hence the Council chamber was not juſt at that time a very good place for wiſe deliberation. The Houſe, in their reſolutions in reply, adviſed againſt the embargo, though in ſo doing they overrode the report of the Committee of Propoſitions and Grievances, to which the meſſage had firſt been referred, and again declared that two men-of-war were neceſſary to act as convoy.[47] Theſe reſolutions, however, do not ſeem to have been duly delivered to the Council and the governor, for on the very laſt day of the ſeſſion his excellency ſent a meſſage to the Houſe asking for a reply to the former meſſage. The Houſe ordered that copies of the reſolutions already paſſed be ſent the governor and Council.

In all this there is to be ſeen a tendency on the part of the Council to ſhift reſponſibility to the Houſe, and on the part of the governor to look to the Houſe, rather than to the Council, for advice. The ſame tendency on the part of the governor is even more plainly ſeen in a meſſage ſent by the governor to the Houſe on *April* 25, in which he asked the Houſe for their opinion as to whether in caſe a perſon made application for lapſed land the *onus probandi* was on the applicant or the former patentee. The Houſe reſolved that it ought to lie on the applicant for the land, and then proceeded to give at large in the ſhape of two additional reſolutions their views, though not asked for them, on what ſhould be conſidered a ſufficient ſeating or planting of land in order to prevent the title to it from lapſing. It ſeems but natural that under the circumſtances the governor ſhould look to the Houſe rather than to the Council for advice whenever poſſible.

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[42] See p. 98.
[43] See p. 91 ff.
[44] Calendar of Virginia State Papers, I, 91, 92.
[45] See p. 97.
[46] See p. 106.
[47] See p. 110.

The Houſe of Burgeſſes at this ſeſſion drew up two addreſſes to the queen, in one of which the governor and Council joined. The firſt, which was ſigned only by the members of the Burgeſſes, was a reply to the memorial of Colonel *Robert Quary* in which he had reflected on the loyalty of the people of *Virginia*. In it is found the following ſentence: "It is poſſible that many other ſuch repreſentations may be made to our diſcredit." When the governor, to whom the addreſs was handed for transmiſſion to the queen, read it, he beame ſuſpicious that in the ſentence quoted he himſelf may have been aimed at. Hence he ſent a meſſage to the Houſe asking that the Houſe declare that it was not intended that the addreſs ſhould be uſed againſt him in any way. This aſſurance was finally given, though only after an effort made by thoſe members who were antagoniſtic to him to have the reſolution as to the deſign of the addreſs to her majeſty paſſed in theſe words: "That the Houſe deſigned it againſt Colonel *Robert Quary* and ſuch others as have made ſuch falſe repreſentations, and againſt no other perſon whatſoever."[48] When one reads the addreſs to the queen, full of proteſtations of loyalty and having in it nothing to which anyone could reaſonably take exceptions, and conſiders the governor's queer demand in reference to it, it is difficult to eſcape the concluſion that the governor muſt have felt himſelf ſomewhat guilty along the line referred to.

[48] See pp. 123, 124.

Aſſembly of 1705-1706.

OF the Aſſembly of 1705/6 there was only one ſeſſion, which, however, laſted from *October* 23, 1705, through *June* 22, 1706, but with a receſs extending from *November* 30, 1705, to *April* 24, 1706. It was, conſidering only the actual number of days on which the Aſſembly was engaged in legiſlative work, a ſeſſion of very unuſual length. And the work done was of correſponding importance. The Journal for the ſeſſion fills 107 pages in the preſent volume, and the laws paſſed fill 177 pages in volume III of *Hening*'s Statutes at Large. For at this ſeſſion, the General Aſſembly, in addition to attending to uſual legiſlative work, made final diſpoſition of the bills that had been prepared by the Committee of Reviſal appointed in 1699. Governor *Nicholſon* had in 1704 ſent theſe bills to *England* by Secretary *Jennings* for the inſpection of the Board of Trade, who, with the aſſiſtance of their *Virginia* bearer, had ſtudied them cloſely, making amendments here and there, and had returned them to *Virginia*, probably on the ſame veſſel that brought Governor *Edward Nott*, *Nicholſon*'s ſucceſſor, to the Colony.

The law of 1699 appointing the Committee of Reviſal expreſſly ſtated that the bills reported by the committee were not to be of any force till they had had their formal readings in the Aſſembly, and that the Aſſembly was at full liberty "to add to, alter, make void, amend, or reject all or any of the bills" ſo reported.[49] The Committee of Reviſal had prepared thirty-nine bills for ſubmiſſion to the General Aſſembly. One of theſe, " An act concerning the church, clergy, and other parochial affairs," failed becauſe the two houſes could not agree on amendments; another. "An act for eſtabliſhing county courts, for regulating and ſettling the proceedings therein, and directing the manner of granting probates of wills, and adminiſtration of inteſtates' eſtates," was vetoed by Governor *Nott*, ſince it contained what he conſidered an encroachment on prerogative in a clauſe making the advice and conſent of the Council neceſſary to the appointment of juſtices of the peace;[50] and a third, " An act for the better ſecuring the liberty of the ſubject," alſo failed to obtain the governor's aſſent, though on what ground is not abſolutely clear. The act dealt with the ſame ſubject-matter as did the famous *Habeas Corpus* act paſſed in *England* in 1679, the proviſions of which were extended by royal command to *Virginia* in 1710. Two of the original bills, namely, "An act for continuing ſeveral acts therein named" and "An act for continuance of ſeveral acts therein named in part, and ſome other acts with additions," referred each to more than one matter of legiſlation, and one of them was accordingly made into two bills and the other into three before paſſage.[51] This was probably done in accordance with inſtructions ſent over by the Board of Trade; for when the work of the Committee of Reviſal was being inſpected by the Board of Trade in 1704, Secretary *Jennings*, their aſſiſtant, had been ordered to make a draft of particular bills to take the place of theſe two general ones, and had accordingly ſubmitted to the Board ſix bills, five of which had titles almoſt identical with the titles of the acts as finally paſſed.[52] The thirty-nine bills of the committee thus became

[49] Hening, III, 185.
[50] Spotſwood's Letters, I, 54.
[51] See p. 200.
[52] Sainſbury Abſtracts, VI, 131, 146.

thirty-nine laws, but the failure of the three moſt important bills to paſs impaired very ſeriouſly the value of the work of the ſeſſion.[53]

The Committee of Reviſal had been appointed in the *April* 1699 ſeſſion, and its field of work did not include all the laws paſſed ſince that time. Theſe laws, however, were not now overlooked. By order of the Houſe they were examined firſt by the Committee of Public Claims and then by the Committee of Propoſitions and Grievances and ſubjected to the ſame kind of treatment that the older laws had received at the hands of the Committee of Reviſal.[54] It was the intention that the whole body of the laws of the Colony ſhould be intelligently reviſed. At leaſt two of theſe, however, alſo failed to paſs, namely, "A bill for the better ſtrengthening the land frontiers and diſcovering the approaches of an enemy" and "A bill for reſtraining and puniſhing pirates and ſea-robbers."

But not all the laws paſſed at this ſeſſion had their origin as bills of the Committee of Reviſal, or as bills of the Committee of Propoſitions and Grievances acting on the laws paſſed in the few ſeſſions immediately preceding the preſent ſeſſion. Several abſolutely new laws were paſſed. As an example of new legiſlation may be taken the "Act for encouragement of the land frontiers," which was firſt brought in as a bill by Mr. *George Maſon* and Mr. *William Fitzhugh*, of *Stafford* County, who had on the fourth day of the ſeſſion been granted their petition that they might have leave to bring in a bill to prevent the diviſion of *Stafford* County. *Stafford* was at that time a large frontier county, and it ſeems that it had been ſuggeſted (probably by thoſe of its inhabitants who lived in the more thickly ſettled parts) that a new county be formed. The act provided that no frontier county ſhould be divided unleſs there ſhould be left in the upper county at leaſt eight hundred tithable perſons, and unleſs the inhabitants of the whole county as it ſtood before the diviſion ſhould be obliged equally to contribute to the erection of the neceſſary county buildings. If, however, the "upper inhabitants" of the county ſhould themſelves ſeek the diviſion, they ſhould not be entitled to the benefits of the act.[55]

A very important law of the ſeſſion had the title "An act for eſtabliſhing ports and towns," by which fifteen towns were eſtabliſhed in *Virginia* and proviſion made for their government. Into theſe towns, which were all to be located on deep water, were to be brought practically all the goods imported into the country, and from them were to go the goods exported. Great privileges were granted by the act to the proſpective inhabitants of the towns in reſpect to local ſelf-government, to trade, to remiſſion of general taxes, etc. In ſhort, the encouragements were ſuch that it looked as if the towns would quickly grow to conſiderable ſize. The *Engliſh* government, which had at firſt favored the plan for eſtabliſhing a fixed number of towns as ports of entry as a meaſure which would render the collection of duties much more certain, and had accordingly inſtructed Governor *Nott* to ſecure the paſſage of the act, became alarmed when the liberal proviſions of the act as paſſed were cloſely examined. It

[53] The inadequacy of the reviſal was ſo obvious after the ſeſſion came to a cloſe that the ſpeaker of the Houſe diſregarded the order paſſed by the Houſe on the laſt day of the ſeſſion that he ſhould have the laws printed, and at their next ſeſſion the Houſe rejected a petition from Princeſs Anne County to the ſame effect (p. 48). Spotswood, calling attention in a letter to the Board of Trade, dated February 11, 1712/13, to this condition, ſuggeſted the deſirability of his employing ſuitable perſons to make a complete collection of the laws then in force, with a view to their publication (Spotſwood's Letters, II, 15, 16). The Board of Trade favoring the propoſal, he encouraged the ſecretary of the Colony, the attorney-general, the judge of the Court of Admiralty, and the clerk of the Council to undertake the work, which had been carried far toward completion by the year 1710, as is learned from a letter written by Spotſwood to the Board of Trade on the 24th of May of that year, in which the Board were asked to uſe their influence in ſecuring to the compilers the excluſive right of ſale of copies of the publication when iſſued (Letters, II, 163, 164). The compilation was, however, not publiſhed till 1728, only to be ſuperſeded very ſoon by the reviſed laws of 1733, publiſhed at Williamſburg.

[54] See p. 189.

[55] Hening, III, 284.

was feared that each of the ports might ſhortly become a centre of population at which manufactures would ſpring up, to the great detriment of *Engliſh* trade. Hence in 1709 the act was repealed by order in Council.[55] Similar proviſions had been embraced firſt in a comprehenſive revenue act paſſed in 1691, having the title "An act for ports etc.,"[57] the operation of which had, however, been ſuſpended by another act paſſed in *March* 1692 / 3 till the pleaſure of the king and queen ſhould be known. Here the matter had reſted till the preſent ſeſſion.

Another law paſſed at the inſtance of the governor, following inſtructions,[58] was "An act directing the building an houſe for the governor of this Colony and Dominion." This had been recommended by governors before, but the Burgeſſes had been of opinion, as they were now, indeed, that payment for ſuch a building ſhould come from "the revenue," eſpecially collected for "the maintenance of the governor and ſeveral other officers and perſons, as alſo for forts and fortifications, beſides many other contingent expenſes abſolutely neceſſary for the ſupport of the government of this her majeſty's Colony and Dominion."[59] That the bill ſhould have been finally paſſed at this ſeſſion is proof of the good management of the governor, who, however, had the potent aſſiſtance of a ſpecial letter from the queen on the ſubject to lay before the Aſſembly.[60] It ſhould alſo be remembered that "the revenue," owing to the war then violently raging, was at a very low ebb. The act ſpecifies the location of the houſe, the materials, many of which might be imported from *England*, and the dimenſions, provided for neceſſary outhouſes, and named a director, Mr. *Henry Cary*, for ſuperintending the conſtruction of the building. Three thouſand pounds was appropriated for the work. By another act, namely, "An act for laying an impoſition upon liquors and ſlaves,"[61] proviſion was made for raiſing the amount required; and by another act ſtill, namely, "An act appointing a treaſurer,"[62] the cuſtodian of theſe funds was named. The treaſurer appointed was Mr. *Benjamin Harriſon*, junior, ſpeaker of the Houſe. Thus the Houſe became committed to a policy which for many years to come called continually for additional expenditures.

At the cloſe of his firſt addreſs to the Aſſembly the governor expreſſed the hope that "all feuds and animoſities, heats and diviſions," might be laid aſide, and that there might be no contention among the members of the General Aſſembly except as to who ſhould be "moſt obedient to her majeſty and moſt ſerviceable to his country." There is evidence to ſhow, however, that no era of complete good feeling had ſet in; for the governor in an addreſs delivered on the 26th of *April*, the third day after the Aſſembly came together at the cloſe of the long receſs, felt impelled to uſe the following language: "I am ſorry to have occaſion to take notice to you my endeavors for reconciling differences and promoting peace and amity in your country have not had ſo good an effect as I heartily wiſhed." Beyond doubt, Governor *Nicholſon*'s ſympathizers, both in the houſe and in the country at large, were diſinclined without ſhow of reſentment to acquieſce in what they conſidered the unfair treatment of the former governor. The majority of the Houſe, indeed, were not at this ſeſſion made up of his friends, a fact which is indicated by the diſpoſition made by the Houſe of a certain propoſition from *New Kent* County in theſe words, "that none take upon them to repreſent to her moſt ſacred majeſty the grievance of this her Colony without the conſent of and well-liking of the honourable Houſe of Burgeſſes; that no affidavits be made to her moſt ſacred majeſty nor memorial ſigned againſt any of her governors here for the future; that no thanks, but rather a check, be given to thoſe that have ſo done againſt her moſt ſacred majeſty's late governor, *Francis Nicholſon* Eſq.," it being ordered by the Houſe that the paper be burnt under the gallows by

[55] Calendar of Virginia State Papers I, 137, 138.
[57] Hening, III, 53-69.
[58] See p. 130.
[59] Hening, III, 344.
[60] See p. 177.
[61] Hening, III, 229-246.
[62] Ibid, III, 476-478.

the ſheriff of *York* County. But many friends he ſtill undoubtedly had in that body, in addition to the three members by the name of "*Weſt*," Mr. *Nathaniel Weſt*, of *New Kent*, and Mr. *John Weſt* and Mr. *Thomas Weſt*, of *King William*, the firſt of the three named having been connected in ſome way with the *New Kent* petition, and the latter two probably connected with a petition from *King William*,[63] almoſt certainly of a ſimilar nature, alſo ordered to be burnt. That the members of the Council had exerciſed themſelves at the polls to have a majority thus compoſed returned, is evident from another petition from *King William* County, rejected by the Houſe, praying that ſuitable care might be taken to prevent councillors from voting at the election of Burgeſſes and from attempting to influence the people.[64] It is almoſt certain that the atmoſphere ſurrounding the Houſe in the earlier days of the ſeſſion was not conducive to the beſt legiſlative reſults and that accordingly much time was waſted. Hence when the Houſe, on *November* 24, asked the governor that a receſs be allowed, the governor was conſtrained to expreſs his ſurpriſe at this being moved when ſo little of the neceſſary buſineſs of the ſeſſion had been attended to. However, he agreed that an adjournment be taken on the 30th of *November* till the 24th of the following *May*. The reaſons given by the Houſe in their addreſs to the governor for asking for the adjournment were the ſhortneſs of the days, the coldneſs of the weather, and the inconvenience occaſioned by the diſtance their lodgings were from the capitol and from each other, all of which retarded the work on which they were engaged, and ſo made it the more expenſive to the people. Though this additional reaſon is not given, it is not at all improbable that the honorable members were laboring under ſome fear that an epidemic of ſmallpox might ſpread among them; for on the very day that the addreſs was delivered to the governor in which the receſs was asked for, the Houſe, being informed that Mr. *Ballard*, who had lately had the ſmallpox, was ready to begin his attendance, in haſte gave the following order: "That Mr. *Gaddis* do acquaint Mr. *Ballard* that the Houſe will diſpenſe with his attendance at the preſent, and his being here will be very unacceptable."[65]

After the receſs the main work of the ſeſſion was done. Great excitement was created on *May* the ſeventh by a written meſſage from the governor that he had received information of the devaſtation of St. *Chriſtophers* and the capture of the *Iſle* of *Nevis* by a *French* force, which he was afraid might alſo make a deſcent on *Virginia*. After conference with the Council, through a committee, the Houſe came to the concluſion, properly expreſſed in an addreſs to the governor delivered on the 9th of *May*, that the merchant ſhips in the country ſhould proceed as far as poſſible up the ſeveral rivers in which they lay; that an embargo ſhould be laid, and no veſſel allowed to leave the country till the fleet ſhould ſail under convoy; that ſtrict lookouts ought to be kept and her majeſty's two ſhips of war then in the *Cheſapeake* to act as convoy to the merchant fleet ought to cruiſe about the capes at the mouth of the bay for the purpoſe alſo of giving warning; that, in order to prevent falſe alarms, the maſters of merchant ſhips ſhould be forbidden from firing their guns except as an alarm; that pilots ſhould upon an alarm, in order not to fall into the hands of the enemy, go if poſſible aboard the *Engliſh* men-of-war, or up into the country, and that all other perſons who could do ſo proceed upon an alarm up the rivers; and that a bill ſhould be paſſed giving the governor power in caſe of inſurrection or invaſion to call out ſuch of the militia as he might deem neceſſary to defend the country, who were to be paid by the public. "An act for ſecurity and defenſe of the country in times of danger" was duly paſſed, which was to be in force till the 30th of *June*, 1708.[66] This was probably little more than the "Ordinance of Aſſembly for defenſe of the country in times of danger" paſſed in *April* 1705, put in the form of an act and thus given a ſanction that apparently a mere ordinance did not poſſeſs. The ordinance, which had been

[63] See pp. 140, 141, 150, 152.
[64] See p. 166.
[65] See p. 169.
[66] Hening, III, 362-367.

paſſed to be in effect only till the next meeting of the Aſſembly, had already, on the 29th of *November*, the day before the beginning of the long receſs, been in a meaſure continued by a reſolution of the Houſe empowering the governor, with the advice and conſent of the Council, to levy a force for the defenſe of the dominion in caſe of inſurrection or invaſion.[67] The governor made a perſonal examination of places on the *James* River and the *York* ſuitable for defenſe, and ſent in a ſpecial meſſage to the Houſe on the 22nd of *May*, in which he recommended that fortifications be conſtructed at ſeveral points, and that a ſupply of ammunition be provided. The reply of the Houſe to this, however, agreed to on the 25th of *May* and delivered on the 5th of *June*, was to the effect that the country was abſolutely too poor, conſidering the other public charges it labored under and the depreſſed condition of the tobacco trade, to raiſe any money for the conſtruction of the fortifications; that the ammunition ſhould be purchaſed from "the revenue," the tonnage duty of one ſhilling and three pence per ton on ſhipping entering the Colony having been firſt laid expreſſly for ſuch purpoſes; and that her majeſty ſhould be applied to for permiſſion to uſe the quit-rents for conſtructing the fortifications. This reply is not to be conſtrued as indicating an indiſpoſition on the part of the Burgeſſes to grant money for the defenſe of the country, but rather as ſhowing even at this early day a feeling againſt what may be denominated a ſpecies of abſenteeiſm, by which large ſums raiſed in the Colony were uſed elſewhere. It was felt, it may be vaguely, that all the money raiſed in the Colony by taxation—the quit-rents were, of courſe, merely a tax on land—ſhould be expended for the Colony's benefit. Fortunately, at this time the queſtion did not become acute, ſince the threatened invaſion did not become an actuality.

So far as the relations of the Houſe (taking the body as a whole and not individual members) and the Council were concerned, they ſeem at this ſeſſion to have been rather more than uſually harmonious. The two houſes could not always agree on proviſions of bills, as, for inſtance, the bill in reference to the clergy already referred to, and another very important bill, not one of the reviſed bills, however, entitled "An act for ſettling and aſcertaining the current rates of foreign coins in this dominion," but there were no wrangles between the two as to queſtions of procedure and privilege. In fact, ſo far as queſtions of this nature were concerned, the Council took particular pains to give no cauſe for offenſe, as is ſhown in the method adopted in amending the "Act for laying an impoſition upon liquors and ſlaves," one of the great money bills of the ſeſſion, the other being the "Act for raiſing a public revenue for the better ſupport of the government of this her majeſty's Colony of *Virginia*, and for aſcertaining the ſalary of the Council." When the "Act for laying an impoſition upon liquors and ſlaves" left the Houſe, where of courſe, being a revenue bill, it originated,[68] it was characterized by a ſerious omiſſion in not containing a clauſe excepting from the operation of the act all liquors imported from *England*, *Wales* and *Berwick* upon *Tweed*, ſuch a clauſe having been contained in all ſimilar acts paſſed by the General Aſſembly of *Virginia* before, and the clauſe being thought neceſſary in order to avoid the danger of the act's being diſallowed in *England*, with all the unpleaſant conſequences that would reſult. The Council on *May* the 22nd, inſtead of amending the bill, notified the Houſe of the omiſſion, which immediately deſired that there might be a conference between the two chambers.[69] The conference was held at once. After the report of the Houſe members of the conference committee had been made, the Houſe took into conſideration in committee of the whole the queſtions raiſed, and reſolved that the Council be given permiſſion to amend the bill, the exact wording of the amendment being ſent to the Council by the Houſe.[70] The Houſe paſſed alſo the following reſolution: "Reſolved, That giving leave to the Council to make the amendment propoſed

[67] See p. 174.

[68] It may be remarked, in paſſing, that no bill whatever at this ſeſſion originated in the Council.

[69] See p. 199.

[70] See pp. 201, 202.

(which is to leſſen the duties impoſed by the Houſe) ſhall not be drawn into conſequence at any time hereafter, ſo as to be made a precedent for the Council to deſire leave to amend a money bill in any other manner than by leſſening the duty impoſed." From this incident it may be ſeen that at this time the only amendment which the Council was allowed to make to a revenue bill was one reducing the rate of the duty, and that even in ſuch a caſe it was neceſſary for the Council to proceed in a very roundabout manner.

The Houſe had at this ſeſſion fifty-one members, *Jameſtown* being now repreſented, and it was put in the reviſed law paſſed at this ſeſſion entitled "An act for regulating the elections of burgeſſes, for ſettling their privileges, and for aſcertaining their allowances" that the freeholders of *Jameſtown* (called *James City* in the act) ſhould always have the liberty of electing a burgeſs. The ſpeaker of the Houſe for this Aſſembly was Mr. *Benjamin Harriſon*, jr., of *Charles City* County, elected over Mr. *Peter Beverley*, of *Gloucester*, ſpeaker for the former Aſſembly. Mr. *Beverley* became the chairman of the moſt important committee of the Houſe, the Committee of Propoſitions and Grievances.

Governor *Nott*'s dealings with the Houſe of Burgeſſes were marked by both courteſy and candor. While he did not heſitate to chide the Houſe from time to time on their flowneſs in attending to matters which ſeemed to him of great importance, he did this in ſuch language as would not be likely to give offenſe. His influence with both the members of the Houſe and the members of the Council ſeems to have been conſiderable. His continuance in office was unfortunately brief. He died very ſoon after the cloſe of the ſeſſion.

The Aſſembly of 1710-1712.

Firſt Seſſion.

THE Aſſembly of 1710-1712 had two ſeſſions, the firſt laſting from *October* 25 through *December* 9, 1710, and the ſecond from *November* 7, 1711, through *January* 31, 1711/12, with a long receſs from *December* 24 to *January* 24. On the opening day of the firſt ſeſſion forty members of the Houſe of Burgeſſes out of a poſſible fifty-one were on hand to meet a new chief executive, Lieutenant-Governor *Alexander Spotſwood*, who had arrived in *Virginia* as the deputy of the newly appointed abſentee governor-general, the earl of *Orkney*, juſt a few days more than four months previouſly. The only ſeſſion of the preceding Aſſembly had ended on *June* 22, 1706, and on *Auguſt* 23 Governor *Nott* had died, whereupon *Edmund Jennings*, ſecretary of the Colony, and member of the Council of longeſt ſervice, had become acting governor, to continue as ſuch till the arrival of *Spotſwood*, owing to the capture by the *French* at ſea of Colonel *Robert Hunter*, appointed governor-general in 1707.

Alexander Spotſwood was poſſeſſed in the higheſt degree of courage, ability, energy, and perſiſtency, and was by theſe qualities enabled to accompliſh, deſpite his irascible and dictatorial temper, in the twelve years of his adminiſtration more for the laſting good of the Colony probably than is to be credited to the account of any other chief executive of Colonial *Virginia*. No one can read his official letters without being impreſſed with his very great merits as an adminiſtrator determined to advance in every way poſſible the intereſts of the country, and in the main with the wiſdom of his policies. At the beginning of his term of office his main concern was the execution of the inſtructions given him in reference to the increaſe of the amount collected as quit-rents and in reference to the methods and terms of granting land, the general policy of the *Engliſh* government at that time being in the latter regard to reſtrict the amount of land granted by patent to any one perſon to ſuch a number of acres as would bear a reaſonable proportion to the quantity the patentee could cultivate, and thus to prevent the holding of large unimproved tracts for purpoſes of ſpeculation, and the diſperſal of the inhabitants of the Colony over a vaſt area, with all the inconveniences and actual retardation of ſettlement which this would entail. A cloſe collection of the quit-rents—two ſhillings for every hundred acres—was one way of effecting a reſult undoubtedly beneficial, and was ſought to be put into operation as much, poſſibly, for the good of the Colony as for the revenue to be raiſed. *Spotſwood* on his firſt coming to *Virginia* did his utmoſt to ſecure the paſſage of ſuch land laws as would embody the views of the *Engliſh* government and to put into operation ſuch adminiſtrative meaſures as would reſult in a cloſe collection of the quit-rents. Though his efforts in theſe directions coſt him much in popularity, a coſt increaſed, no doubt, by his manner of overriding oppoſition, he in the courſe of time accompliſhed in large meaſure the firſt object and did ſomething toward the accompliſhment of the latter. When he was depoſed as governor, the land laws were much better fitted to be the means of putting into execution the wiſe policy of the *Engliſh* government—provided, always, they were followed—than the laws in force when he met his firſt Aſſembly, and the revenue from the quit-rents had much increaſed. It is certain, however, that towards the cloſe of his term of office his oppoſition to the granting of land in large bodies to individuals was relaxed, and that he became infected by the prevailing diſeaſe of the country, a diſeaſe which has been called by ſome one "land-hunger."

The principal matters touched upon—all briefly—by *Spotſwood* in his firſt ſpeech of the ſeſſion, after his very complimentary opening remarks and his ſenſible exhor-

tation to harmony, were the governor's houſe, the militia, danger from the ſlaves, gifts of Queen *Anne* to *William* and *Mary* College, the extenſion by royal favor of the benefits of the *Habeas Corpus* act to the people of *Virginia*, the inſtitution of two courts of oyer and terminer, the low price of tobacco, and the neceſſity of paſſing laws to take the place of one or two paſſed at the preceding ſeſſion of the Aſſembly but diſallowed by the crown. In connection with the laſt topic he gave utterance to the following characteriſtic ſentence: "And here let me mind you how vainly you make laws if they ſquare not either with the prerogative of the crown or with the intereſt of that country which protects us." In this ſentence is clearly ſet forth the main principle that guided *Spotſwood* in his career as governor.

The topics outlined in the governor's opening addreſs, ſome of them enlarged upon in later addreſſes and meſſages, received the careful attention of the Houſe. Before the ſeſſion was over the Houſe had drawn up a loyal addreſs to her majeſty expreſſive of their ſincere thanks for her conſideration and kindneſs to her ſubjects in *Virginia* in extending to them the operation of the *Habeas Corpus* act,[11] in ordering that two courts yearly of oyer and terminer ſhould be held in *Virginia*, and in granting aſſiſtance to *William* and *Mary* College.[12] They had alſo conſidered bills introduced for the purpoſe of remedying the defects called to their attention. Not all of the bills were paſſed, however, the conſideration of them being put off till the following ſeſſion. Since no ſeſſion of an Aſſembly had been held for four years, the Houſe at this ſeſſion was compelled to give attention to a large number of claims, petitions, propoſitions, and grievances, and conſequently, though the Aſſembly continued in ſeſſion till *December* the 9th, there was not time for the thorough conſideration of all the matters brought to their notice by the governor. Thus, after referring the matter of the negro ſlaves to a ſpecial committee ordered to "examine into and conſider the laws of this country made for preventing the inſurrection of negroes," and after conſidering ſeveral times the bill which this committee, when its firſt report had been brought in,[13] had been ordered to prepare,[14] which bill had the title "A bill to prevent the levying of war, taking up arms, keeping of weapons, offenſive or defenſive, by negroes, mulattoes, Indians, and other ſlaves, and for prohibiting their being employed as millers and overſeers within this Colony and Dominion of *Virginia*,"[15] and paſſing the bill, with amendments, to its third reading, the Houſe then voted to reject the meaſure,[16] and reſolved to poſtpone further conſideration of the queſtion till the next ſeſſion of Aſſembly. In the ſame reſolution they agreed on ſimilar treatment for the queſtion of the militia, which had received ſome attention from the Houſe, but not by any means an equal amount with the queſtion of the ſlaves. Another queſtion brought to the attention of the Houſe, but not in the governor's opening addreſs, was the eſtabliſhment of a poſtal ſyſtem for the Colony, but this matter received very ſmall attention indeed, being poſtponed for conſideration to the next ſeſſion of the Aſſembly.[16]

On one matter recommended by *Spotſwood*, and in this recommendation he was joined by the Council, a ſpecial meſſage from the lieutenant-governor and the Council

[11] The Habeas Corpus act had been paſſed in England in 1679, and was, according to its own terms, operative only in England, Guernſey, and Jerſey. Its object was to render the writ of Habeas Corpus, which had been in uſe ſince the time of Magna Charta, a complete inſtrument for the protection of perſonal liberty, by preſcribing the exact manner of its uſe and impoſing penalties on officials failing to act in accordance with the law.

The object of eſtabliſhing the two courts of oyer and terminer was to prevent the neceſſity of thoſe charged with capital crimes remaining in jail for a long time untried. The General Court, the court having uſual juriſdiction in capital caſes, met only twice a year—the middle of April and the middle of October—ſo that it was poſſible for a priſoner to remain in jail for nearly ſix months before being brought to trial. The new courts were to meet in June and December.

William and Mary College building having been deſtroyed by fire in 1705, the queen had made a contribution toward the conſtruction of a new building.

[12] See p. 258.

[13] See p. 264.

[14] See pp. 266, 268, 272, 275, 278, 280, 281.

[15] See p. 281.

[16] See pp. 274, 278, 286.

being ſent the Houſe on the ſubject on *November* the 10th, the Houſe and the governor came into open colliſion. This was the propoſal of a re-arrangement of the boundaries of all the counties in the peninſula between the *York* and *James* rivers, for the wiping out of *Warwick* county altogether, and the enlargement of the others by means of the territory thus gained. Occaſion for making this ſuggeſtion had been furniſhed when a petition was handed in to the Council by the inhabitants of *Charles City* County asking that a part of *James City* be added to that county. It ſeems that ſince *Prince George* had been cut off from *Charles City* the people of the original county, much reduced in numbers, thought the increaſed burden on each tax-payer on account of county taxes a hardſhip, of which they might be relieved by the extenſion of the bounds of the county to the *Chickahominy* River, at that time the river not being the dividing line between *Charles City* and *James City* counties. The truth is, that all the counties of the *Peninſula*, with the exception of *New Kent* (which at that time extended indefinitely to the weſt, *Hanover* County not having yet been formed) were too ſmall, and that the propoſed changes were eminently wiſe. It is alſo true that it was not many years before the *Charles City* petition was finally granted, namely, in 1720; but at this ſeſſion nothing could be done. A bill was, indeed, introduced for the purpoſe of granting the relief asked in the petition, which, however, failed of paſſage, but the other ſuggeſtions made in the meſſage of the governor and the Council were promptly diſagreed to,[77] without any reaſons given. However, a bill was paſſed for ſettling the boundaries between *Northumberland* and *Lancaſter*. When this bill reached the Council and nothing was ſent up by the Houſe in reference to the propoſals in regard to the *Peninſula* counties, *Spotſwood*, allowing his temper to get ſomewhat the better of him, ſent on the 27th of *November* a meſſage to the Houſe in which he plainly intimated his diſpleaſure at the courſe of the Houſe and ſet up the claim that in reality the diviſion of both counties and pariſhes was a matter in which the Aſſembly was not authorized to act, ſince it was a part of the prerogative. So far as the pariſhes were concerned, his claim had good foundation, for the determination of the bounds of pariſhes was one of the matters which by his inſtructions had been committed to his care without even the aid and advice of the Council, on the theory, probably, that this was a part of the prerogative of the Crown in eccleſiaſtical matters. But former governors had had in this reſpect ſimilar inſtructions, and, nevertheleſs, as a matter of fact, the bounding and ſettling of pariſhes had always been attended to by the General Aſſembly. The claim that ſettling the boundaries of the counties was alſo a matter over which the governors had juriſdiction, was not ſo well baſed. Indeed it had no foundation whatever, except the flimſy one that Lord *Effingham*, governor of *Virginia*, had in a ſpeech to the Aſſembly in 1684 claimed ſimilar power as given him in his commiſſion. Granting, however, that Lord *Effingham* was correct, this power had not been handed on to *Spotſwood*, ſince nothing was ſaid about it either in his commiſſion or his inſtructions. His meſſage to the Houſe was hardly an ingenuous one. But he ſaw clearly the inconveniences ariſing from the conſtitution of many of the counties and pariſhes as they then were and the very great difficulty of having matters remedied by the General Aſſembly. And he hoped to get ſpecific inſtructions from the home government. Even before the meeting of this Aſſembly he had written a letter to the Board of Trade, on *October* 24, in which he referred to the queſtion of the ſettlement of the boundaries of the pariſhes,[78] and after the cloſe of the ſeſſion he, in a letter dated *December* 15, treated the ſubject more fully, with the ſubject of the ſettlement of the boundaries of the counties,[79] ſetting forth at length the arguments in favor of allowing the governor rather than the General Aſſembly to have juriſdiction in theſe matters. But the needed inſtructions or an expreſſion of opinion on the part of the Board of Trade did not come, and the method

[77] See p. 267.

[78] Spotſwood's Letters, I, p. 20.

[79] Ibid., I, pp. 36-37.

which had become cuſtomary in *Virginia* in handling ſuch caſes continued in vogue, which is clearly ſet forth in the addreſs of the Houſe to the governor delivered on the 30th of *November* giving an account of the work of the ſeſſion up to that date, in which the following ſentence occurs: "As to the propoſal made by your honour and Council contained in a meſſage for a more equal diviſion of the counties therein mentioned, we with due regard to the ſentiments of your honour and Council thereon did humbly conceive it moſt proper to proceed in caſes of that nature from the repreſentation of the inhabitants of the reſpective counties that their ſettlements are incommodious, being the accuſtomed method taken in this Houſe."[50]

At this ſeſſion there were actually paſſed and ſigned by the governor ſeventeen acts, fifteen public and two private acts, all of which are given in full in *Hening*,[51] except the one entitled "An act for laying a duty on liquors and ſlaves." In reference to this omiſſion the explanation is made that its inſertion was thought unneceſſary becauſe it agreed almoſt verbatim with the ſimilar act paſſed in 1705. There was, however, one very important difference between the two acts. The duty placed on negro ſlaves imported was only twenty ſhillings a head in the act of 1705, whereas it was increaſed in the preſent act to five pounds, the motive being to prevent for the time of the life of the act (three years) all importation of negroes, ſince it was deemed that, taking into conſideration the very unſatisfactory condition of the tobacco trade, the reſult of the war then being carried on, a ſufficient number of ſlaves was already in the country. *Spotſwood*'s proteſt againſt the prohibitive character of the tax on ſlaves and againſt the diſcrimination ſhown by the liquor ſchedule of the act in favor of *Virginia* owners of veſſels[52] was not heeded. The bill went through as originally paſſed by the Houſe, with two amendments which, following the procedure already deſcribed in the paſſage of the act of 1705, the Houſe allowed the Council to inſert when the meaſure was before that body.[53] Since the object of the act was to ſecure the money needed for the completion of the governor's houſe, a project which *Spotſwood* had very much at heart, he was forced to attach his ſignature.

The laws of this ſeſſion are deſcribed in conſiderable detail by *Spotſwood* in a letter to the Board of Trade dated *March* 6, 1710 / 11, and publiſhed in his Official Letters, I, 49-59, to which thoſe intereſted are referred. In reference to three of them, however, two of which are not given much attention by *Spotſwood* in his letter, and the third of which is of peculiar intereſt, fuller comment is thought adviſable. The firſt two were private acts, having, reſpectively, the titles "An act to ſet free *Will*, a negro belonging to *Robert Ruffin*" and "An act to enable *Elizabeth Harriſon*, widow and adminiſtratrix of *Benjamin Harriſon*, late of the county of *Charles City*, gentleman, deceaſed, to ſell certain lands and ſlaves, late the eſtate of the ſaid *Benjamin*, for payment of the debts of the ſaid *Benjamin*."

The negro was ſet free as a reward for his ſervices to the Colony in diſcloſing to the authorities the conſpiracy which had been entered into by certain negroes of *Surry*, *Iſle of Wight*, and *James City* counties for riſing in an inſurrection. The information had rendered the plot abortive, all implicated being captured. Theſe things had happened before *Spotſwood* came to the country, but ſo recently, and the people with whom he came in contact were ſtill ſo much alarmed, that he had in his opening addreſs thought it adviſable to recommend the paſſage of a law for increaſing the effectiveneſs of the militia and one for rendering unlikely in the future a ſimilar conſpiracy of the ſlaves, with the reſult that has been noted above. *Will*, the informant, had been ſent, for his own ſafety, when he was no longer needed, to the *Northern* Neck of *Virginia*, as far away from the ſcene of the conſpiracy as poſſible. His maſter had thus loſt the benefit of his ſervices, and would on the negro's being freed loſe them finally. Hence

[50] See p. 285.
[51] Hening, III, 482-540.
[52] See p. 281.
[53] See pp. 287, 288.

it ſeemed reaſonable that there ſhould be incorporated in the act a clauſe to the effect that his maſter ſhould be remunerated.[84] The amount fixed upon, with ſome little trouble, was £40. In the book of claims were inſerted the ſeveral amounts asked for by the various perſons reſiding in *Surry*, *James City*, and *Iſle of Wight*, who had performed any ſervice in connection with the affair, though the Houſe held for a long time that theſe were charges which ſhould be paid by the various counties rather than by the Colony at large.[85]

The object of the act to ſell certain of the lands and ſlaves of *Benjamin Harriſon* is ſufficiently ſet forth in the title. The preamble of the act recites that the propoſed diſpoſition of the lands and ſlaves followed the requeſt of their late owner made in his laſt illneſs. This *Benjamin Harriſon* was the *Benjamin Harriſon*, jr., who had been ſpeaker of the Houſe of Burgeſſes at the laſt ſeſſion of the Aſſembly, and elected treaſurer of the money to be collected under the operation of the law for laying a duty on liquors and ſlaves. When an examination was made at this ſeſſion into the accounts of the late treaſurer, it was found that the eſtate was indebted to the Colony to the amount of ſomething over eighteen hundred pounds.[86] It was evidently to raiſe money with which to ſquare this account that the ſale of land and ſlaves was to be reſorted to.

The other act to be commented on was entitled "An act for ſettling the titles and bounds of lands, and for preventing unlawful ſhooting and ranging thereupon." This was the moſt important law of the ſeſſion, and was the one paſſed to take the place of the great land law paſſed in 1705 having the title "An act concerning the granting, ſeating and planting and for ſettling the titles and bounds of lands and for preventing unlawful ſhooting and ranging thereupon."[87] *Hening* in commenting on the act of 1705 expreſſes ſurpriſe that in the printed collection of the laws of *Virginia* in force in 1733 this law is not given in full, only the title of it appearing as one of the laws paſſed in 1705 but no longer in force. He ſays that it muſt have been in force, or at leaſt a part of it, ſince the act of 1710, which repealed former acts bearing on its ſubject-matter, did not by any means cover the whole ground embraced in the act of 1705, having nothing to ſay on the ſubject of the modes of acquiring land in the firſt inſtance from the crown and not giving the forms of patents, matters with which more than half of the law of 1705 is taken up. *Hening* is, however, miſtaken. The law was repealed by the queen in Council in 1706—a fact which *Hening* failed in ſome way to ascertain. Undoubtedly the principal reaſon why the act was rejected by the home authorities was, that it required the patentee of land, in order to hold an indefinite amount, merely to erect thereon within three years a houſe of wood, "after the uſual manner of building in this colony, being at leaſt in length twelve foot and in breadth twelve foot, and clearing, planting, and tending at leaſt one acre," whereas Governor *Nott*'s inſtructions called for the clearing and planting of at leaſt three acres in the three years out of every fifty acres of the grant. This being ſo, it is a little ſurpriſing that Governor *Nott* ſhould have ſent it to *England* with his ſignature attached. The law of 1710 had nothing to ſay on the ſubject of the granting of land or diſpoſing of escheated land becauſe *Spotſwood* claimed, and was adroit enough to have his claim allowed, if we may judge by what appears in the new act, that ſince the land belonged to the crown, the methods and conditions of granting it away were not to be determined by the General Aſſembly, but by the repreſentative of the crown, following inſtructions. Theſe inſtructions, neceſſarily general rather than ſpecific, and therefore, unfortunately, allowing room for differences in interpretation, were as follows: "Whereas it was repreſented to her late majeſty by the preſident and Council of our ſaid Colony that the method of granting lands as directed by the inſtructions

[84] See p. 270.

[85] See pp. 294, 295, 296.

[86] See p. 266.

[87] Hening, III, 304.

given to *Robert Hunter* Eſqr., bearing date at St. *James* the 30th of *April*, 1707, is not agreeable to the laws, conſtitution and practice of our ſaid Colony;—

Our will and pleaſure therefore is that for the future the method of granting of land be in ſuch form and manner, and under the like conditions, covenants, and reſervations of quit-rents, as are by the charter and laws of that our Colony allowed and directed to be made and as were permitted to be made before the inſtructions given to *Robert Hunter*, Eſqr., as aforeſaid. Provided that due care be taken that in all ſuch grants thereafter to be made regard be had to the profitable and unprofitable acres, and particularly that every patentee be obliged in the beſt and moſt effectual manner to cultivate and improve three acres, part of every fifty acres ſo granted, within the term of three years after the paſſing of ſuch grant, and in caſe of failure thereof ſuch grant or grants to be void and of none effect."[88] Almoſt immediately after he landed in *Virginia* *Spotſwood* had commenced putting theſe inſtructions into operation, with the reſult that much oppoſition was ſtirred up in the country, which ſhowed itſelf in the election of members to the preſent Houſe of Burgeſſes. The Aſſembly had not been long in ſeſſion before the reſolution was adopted "that application be made to the governor by way of meſſage deſiring him to paſs the grants of land as uſual, and that the meſſage be in writing."[89] The meſſage was duly prepared, the laſt paragraph of which was: "We humbly pray your honor will be pleaſed to allow patents for land to paſs with ſuch proviſos as the ſubjects here and their anceſtors have formerly enjoyed them."[90] In his meſſage in reply *Spotſwood* gave aſſurances that the conditions impoſed by him in the granting of patents were merely ſuch as were enjoined by his inſtructions, and argued that theſe inſtructions were more in conformity with the charter given by *Charles* II to the Colony in 1676 and to the "ancient conſtitution" of the Colony than the practices in this regard of late years obtaining, the effect of which was to place in the hands of individuals larger tracts of land than they could poſſibly cultivate, this reſulting either in the actual excluſion of new ſettlers or their being forced to the frontiers. In the meanwhile a bill had been introduced in the Houſe for the amendment of the land law of 1705 ſimply in one unimportant detail.[91] Though the law of 1705 had been repealed in *England*, notification in due form had not been received in *Virginia*, and the promoters of this bill were either ignorant of the repeal—which is hardly probable, ſince it is certain that all the members of the Council knew of it—or they were determined to conſider the act as law till the formal notification arrived. This bill paſſed the Houſe, but the futility of doing anything with it was recognized by the Council, and *Spotſwood* prevailed upon the Burgeſſes to bring in a new bill altogether, which became the law whoſe title is given in the opening ſentence of this paragraph. It embodied many of the features that *Spotſwood* deſired. It provided that non-payment of quit-rents for three years ſhould act as a forfeiture of the land, a proviſion which it would ſeem was not one neceſſary to put in the act in the logical carrying out of *Spotſwood*'s theory that the granting of land, including of courſe, the conditions on which it might be granted, was a matter of prerogative: it would only have been neceſſary to ſtate in the patent that the land would be forfeited on the non-payment of quit-rents for three years. But *Spotſwood* was wiſe in ſacrificing conſiſtency, and in having this proviſo placed in the bill when he had a chance to do ſo, ſince it was always eaſier to carry out laws of the Aſſembly than regulations baſed upon prerogative. The law alſo provided that where a perſon held a greater number of acres of land than were ſet forth in his patent (and a vaſt amount of "ſurplus" land, as it was called, was held in this way in *Virginia*) he ſhould return the exact number of acres and pay the quit-rents on the whole amount,

[88] Randolph Manuſcripts, Virginia Hiſtorical Society Library. The Randolph Manuſcripts give a copy of the inſtructions iſſued Lord Orkney in 1715, after George I came to the throne; but theſe are taken to be the ſame as were iſſued him in 1710 when he firſt became governor-general.

[89] See p. 260.

[90] See p. 265.

[91] See pp. 250, 251.

or run the risk of having ſome other perſon granted a patent for the ſurplus. The function of the General Court in the caſe of land in reference to which the conditions ſet forth in the patent were not fulfilled, was by this act reduced to an aſcertainment of the facts in the caſe, whereas under the law of 1705 to the General Court were preſented petitions for forfeited lands and the General Court gave orders in accordance with its findings. This practice *Spotſwood* conſidered "very derogatory to her majeſty's royal prerogative, ſince no court could order her majeſty to diſpoſe of her own property."[92] This law was ſo ſatisfactory to *Spotſwood* that he was not much diſpoſed to proceed further, except that he obtained from the Privy Council a repeal of the *Virginia* land law of 1666 entitled "An act declaring what is meant by ſeating of land,"[93] which ſome maintained went into force on the repeal of the law of 1705, and which declared "that building an houſe and keeping a ſtock one whole year upon the land ſhall be accounted ſeating, and that clearing, tending and planting an acre of ground ſhall be accounted planting and that either of thoſe ſhall be accounted a ſufficient performance of the condition required by the patents."[94] The home government, however, recognizing the advantage pointed out above of having the inſtructions incorporated into law, inſiſted that this be done, and accordingly at the 1713 ſeſſion of the Aſſembly "An act declaring what ſhall be accounted a ſufficient ſeating, planting, cultivating and improving of lands already granted or hereafter to be taken up and patented"[95] was paſſed.

At this ſeſſion of the Aſſembly the relations exiſting between the members of the Council and the members of the Houſe were pleaſant, though the uſual differences of opinion ſhowed themſelves on the queſtion as to what conſtituted a "country charge" and the two chambers could not always agree on amendments to bills. At leaſt four of the bills of the ſeſſion originated in the Council, three of which were accepted by the Houſe. No acrimonious controverſies aroſe between the two. Nor, in fact, did any of the differences between the Houſe and the governor go beyond the bounds of courteſy, though it muſt be admitted that the governor's meſſage in reference to the boundaries of counties and pariſhes was ſomewhat curt. Taken as a whole, the work of the ſeſſion was ſatisfactory, juſtifying *Spotſwood*'s comment made in a letter to the Board of Trade, dated *December* 15, 1710: "They have ſhewed a due regard to her majeſty's ſervice, and given proofs of that good correſpondence which I have had the good fortune to cultivate with them."

Second Seſſion.

This ſeſſion began on the 7th of *November*, 1711. Only thirty-two members of the Houſe were preſent on that day, though the difficulties confronting the government of the Colony called loudly for a full attendance. Many debts had been contracted in the paſt few months by the governor in making preparations to put the Colony, by the erection of fortifications, in an approximately fit condition to reſiſt the attempts of a *French* fleet concerning whoſe probable attack on the Colony information had been received, and, worſe than this, there was preſent danger from the Indians. *Spotſwood*, in his opening addreſs, called attention, too, to the late diſturbances in *North Carolina*, brought about by the reſiſtance of *Thomas Cary* and his adherents to the authority of the governor of the province. Theſe troubles had, however, now been compoſed, and though *Spotſwood* had borne a not inconſiderable part in the reduction of the inſurgents, the expenſes had to be met out of funds over which the Houſe of Burgeſſes had no control. Hence the members of the Houſe were not legiſlatively intereſted in theſe matters, and they were mentioned by *Spotſwood* only among the occurrences which in the paſt few months had thruſt upon him extraor-

[92] Spotſwood's Letters, I, 22, 23.
[93] Ibid., I, 110.
[94] Hening, II, 244.
[95] Ibid., IV, 37-42.

dinary refponfibilities. In the threatened attack of the *French* and the critical condition of Indian affairs, however, the members were as legiflators deeply concerned. On the alarm occafioned by the reported approach of the *French* fleet *Spotfwood* had managed to erect feveral forts and to make other preparations for the defenfe of the Colony. His forts were at *Old Point*, *Tindall's Point*, *Yorktown* and *Jameftown*. He had mounted in all about feventy pieces of cannon.[96] This work he had been enabled to do under the provifions of the law paffed at the preceding feffion of the Affembly entitled "An act for reviving and continuing an act for fecurity and defenfe of the country in times of danger," which continued in force till *December*, 1712, the act for the fecurity of the country paffed in 1705, which was itfelf fimilar to acts paffed earlier in the hiftory of the Colony. This law empowered the governor to call out the militia in times of danger and to employ them as feemed to him beft, who were to be paid for their fervices by the public according to a fixed rate if employed at any one time above four days; and to impreſs neceffary provifions and materials, for which the public was to pay the price put upon each article by "two good and lawful men upon oath" at the time of its impreſſment. The debts thus contracted had now to be paid.

The Indian alarm was caufed by a maffacre of the fettlers on the *Neufe* and *Pamlico* rivers in *North Carolina*, to the number of one hundred or more, on the 22nd of *September*, by *Tufcarora* and other Indians dwelling on the borders of the *Carolina* fettlements. On firft hearing of this atrocity *Spotfwood* had fent detachments of the militia to the Indians tributary to *Virginia* to prevent their joining the *Tufcaroras* in their further operations; and later he had had a conference at the town of the *Nottoway* Indians with repreſentatives from thofe towns of the *Tufcaroras* whofe inhabitants had not been implicated in the maffacre. Thefe repreſentatives had not been empowered to act upon the propofals made to them by the governor, that for a reward they fhould engage in war againſt the Indians implicated in the maffacre or join with the *North Carolinians* in carrying on the war, and as a pledge of their good faith deliver up to the authorities of *Virginia* as hoftages two boys from each of their towns to be educated at *William* and *Mary* College; but an agreement had been made that they would report the propofals to the different towns and return with a reply by the 20th of *November*. In order to impreſs thefe chief men of the *Tufcaroras* with the power of the Colony, *Spotfwood* had affembled at the place of conference upwards of fix hundred of the *Virginia* militia.[97] On this expedition he had actually fecured as hoftages feveral fons of the chief men of the tributary Indians, with the promife of more; fo that it became neceffary for him in his opening addreſs to ask the General Affembly to make fome provifion for the education of the Indian youths, fince the *Boyle* fund[98] was too fmall to maintain fo large a number of Indian boys as he expected to fee foon at the college.

The other matters brought to the notice of the Affembly in this opening addreſs were the defective condition of the county jails, from which prifoners were conftantly efcaping, and the advifability of building a prifon for debtors at *Williamfburg*; the behavior of the *Quakers* on the threatened approach of the *French* fleet, they having afferted that their conſciences would not permit them to affift in any way in the defenfe of the Colony, not even to the extent of felling provifions for thofe engaged on the fortifications, though, fince their religion required them to feed their enemies, it would be neceffary for them to fupply the *French* with provifions fhould they invade the country; the injuftice of requiring the poorer members of the militia to arm and equip themfelves; the great advifability of having conftructed a careening place near "*Kiquotan*" (now *Hampton*) for the ufe of the guard fhips, which were compelled as matters then ftood to fail to *New York* for the purpofe of having their hulls fcraped,

[96] Spotfwood's Letters, I, 120.

[97] Ibid., I, 115 ff.

[98] This fund conſiſted of £200 given by Robert Boyle for the education of Indians at William and Mary College.

thus ſometimes leaving the coaſt of *Virginia* defenſeleſs; and the duty of ſecuring a better maintenance for the clergy than that provided by exiſting laws.

Very few of theſe matters were properly attended to, a deadlock ariſing between the Houſe on the one ſide and the governor and the Council on the other almoſt as complete as that which aroſe in the ſeſſion which began *March* 19, 1702/3, and the bad feeling exhibited on both ſides was much greater. The Houſe, incenſed at the maſſacre committed in *North Carolina*, were eager to make war on the whole *Tuſcarora* nation, whereas the governor and Council wiſhed to employ thoſe towns of the *Tuſcaroras* that had not been engaged in the maſſacre to aſſiſt the *North Carolinians* in puniſhing the perſons that were guilty, or, if the *Virginians* themſelves muſt go to war, at leaſt not to declare a general war. And when the queſtion was faced of paying the debts already incurred, the two parties were alſo wide apart. The Houſe could be induced to embrace in the book of claims only ſuch items as were provided for in the law, putting upon the law the very narroweſt conſtruction poſſible. All other items were excluded. The Houſe refuſed to pay, for example, the expenſes incurred by the governor in ſending out a ſloop which was to keep a ſharp lookout for the *French* fleet and give quick intelligence, and refuſed alſo to pay the expenſes of the militia aſſembled by *Spotſwood* at the town of the *Nottoways* to impreſs the *Tuſcarora* meſſengers with the power of the Colony. They maintained that ſuch expenditures were not contemplated by the law. It was in vain that the governor and the Council argued that, though the law as it then ſtood might not provide for them, they were neceſſary for the ſecurity of the country, and that a legiſlative body, unlike a court, was not confined to the letter of exiſting law. Since the Houſe would not admit theſe claims and one or two others like them in the book of claims, no proviſion was made at this ſeſſion for the payment of any claims whatever. The diſpute was, of courſe, not as to the payment or non-payment of the claims, probably no one holding that they ſhould not be paid at all, but it was the old diſpute as to the ſource of payment, whether this ſhould be the funds under the control of the General Aſſembly or thoſe under the control of the governor and Council.

The arrangement made by the governor with the repreſentatives of the *Tuſcaroras* at the town of the *Nottoways* was not ſtrictly carried out by the latter. On the 20th of *November* they were not at *Williamſburg*, nor did they come for many days after. On the 24th of *November*, the Houſe delivered to the governor an addreſs, in which they aſſured him of their earneſt deſire to co-operate with him in ſecuring the country againſt the Indians and asked that he communicate to the Houſe information as to what progeſs had been made in coming to a final agreement with the *Tuſcaroras*. The governor, of courſe, was compelled to make the reply that the meſſengers had not made their appearance at *Williamſburg*. Whereupon it was reſolved by the Houſe that the governor be requeſted to declare war againſt the whole nation of the *Tuſcaroras*, he being aſſured that the Houſe would "exert itſelf to the utmoſt in giving ſuch ſpeedy and effectual ſupply" as might "enable him to proſecute and carry on the ſaid war till he ſhall procure a ſafe and laſting peace."[99] In the addreſs the governor was alſo asked to furniſh an eſtimate of the amount neceſſary for carrying on the war for ſix months. Two days after this the eſtimate was duly furniſhed,[100] and the Houſe took up the conſideration of the problem of raiſing the amount, £20,000, required. When, however, the ſupply bill, which had the title "An act for granting to her majeſty certain duties upon ſeveral goods and merchandiſes for carrying on a war againſt the *Tuſcarora* Indians, their adherents and abettors" was ſent to the Council on *December* 8, juſt one week after the reſolution had been paſſed that the money ſhould be raiſed, it was found by the Council to be ſo hurriedly conſtructed and ill conſidered that that body felt conſtrained to ask the Houſe that many amendments be made to it. Moreover, by the time, *December* 13, that the Council, having conſidered the bill carefully, had prepared their meſſage to the Houſe ſetting forth their ob-

[99] See pp. 319-320.

[100] See p. 323.

jections to it.[101] the *Tuscarora* Indian messengers had made their tardy appearance at *Williamsburg*, given what *Spotswood* received as satisfactory explanations of their delay, and made the treaty outlined by *Spotswood* in his opening address. Hence in their message to the House the Council suggested that the bill should be altered so as to suit the changed aspect of affairs; especially that, since the government had now entered into a league with eight towns of the *Tuscaroras*, the title and the preamble of the bill should be changed so as to indicate that the war was to be waged only on those Indians concerned in the massacre, their adherents and abettors. The House would at first agree to only one or two minor amendments,[102] though later they reluctantly consented to the change in the title of the bill. Nor would they agree to a conference with the Council on the bill as a whole, when this was insisted on by the upper chamber, sending a message to their honors that it was the "undoubted right and inherent privilege of the Burgesses in Assembly, representing the people of this Colony to grant aids and lay impositions and duties."[103] The question of the inherent rights and privileges of the House having thus been raised, it was a foregone conclusion that no compromise could be arrived at. The Assembly might as well have been prorogued or dissolved at once. But the governor, having decided to see if anything might be accomplished by a recess, gave the House permission on the 24th of *December* to adjourn to the 24th of *January*. When the Assembly came together again, however, at the close of the recess, the House was still obdurate. The Assembly was finally dissolved on the 31st of *January*, 1711/12.

Owing to the dissensions that arose at this session of the Assembly, only five laws were actually enacted,—two private acts, of no general importance, and three public acts. The public acts are given in full in *Hening*, and the private acts by title.[104] The "Act for building a prison for debtors to be committed to by the General Court" was passed in response to the suggestion made by *Spotswood* in his opening address. The "Act directing the manner of granting probates of wills and administration of intestates' estates" was a measure which was a part of the revised bill of 1705 entitled "An act for establishing county courts, for regulating and settling the proceedings therein, and directing the manner of granting probates of wills, and administration of intestates' estates" vetoed by Governor *Nott*, and which *Spotswood* at the first session of the present Assembly, when the county court act was up for passage, had insisted be put in a separate bill.[105] The "Act for appointing rangers" gave the governor the power for one year to appoint such rangers upon the frontiers as he might think necessary, who were to be paid a stipulated sum out of the public treasury. After all the talk about carrying on war against the Indians, either the whole nation of the *Tuscaroras* or those engaged in the massacre, this was the only law actually passed, and it was a defensive, not an offensive, measure. No provision was made for the carrying out by the governor of the treaty with eight towns of the *Tuscaroras*, involving a considerable expenditure. The governor, however, it should be remembered, had "the revenue" from which to draw, and when this revenue was deficient, as it was at this period, there were not wanting men of means in the country willing to make advances.[106]

[101] See pp. 332-335.
[102] See p. 336.
[103] See p. 338.
[104] Hening, III, 9-29.
[105] Spotswood's Letters, I, 53, 54.
[106] The proceedings of this session are well described in Spotswood's Letters, I, 129-146, and the speeches and messages of the governor, the Council, and the House for the session, as given in the Journal, are much longer than usual.

JOURNALL

OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Called to meet at her Majeſties Royal Colledge of *William* and *Mary* adjoyning to the City of *Williamſburgh* the Seventeenth Day of *March* in the Second year of the Reign of our Sovereign Lady ANNE, Queen of *England &c:* And thence continued by Prorogation and begun the Nineteenth day following of the ſaid Month of *March* Annoq3 Dom. 1702.

RICHMOND, VIRGINIA.

MCMXII

JOURNALL

of the

HOUSE OF BURGESSES

DIVERS Burgeſſes to the number of ffourty One having taken the Oaths appointed by Act of Parliament to be taken inſtead of the Oaths of Allegiance and Supremacy, The Teſt, and the Oath of a Burgeſs, as by Certificate from *Edmund Jenings* and *Henry Duke* Eſq^rs (two of her Majeſties hon^ble Council) conſtionated thereto by his Excellency *ffrancis Nicholſon* Eſq^r her Maj^ties Lieu^t and Governour Generall of *Virginia*, met in the Hall of the Colledge being the place appointed for the Burgeſſes to Sitt in

A meſſage from his Excellency by Mr *Robertſon*.

Gen^t:

His Excellency Comands your imediate Attendance upon him in the Council Chamber

Accordingly the Burgeſſes went to attend his Excellency and his Excellency was pleaſed to ſay to this Effect

Gen^t:

I am very glad to ſee ſo many of you met, thing I recomend to you is, that you return to your Houſe, and make Choice of a Speaker, and as ſoon as you have one to let me know it.

And Thereupon the Burgeſſes being return'd imediately proceeded to the Choice of a Speaker, and after the nomination of four perſons and ſome time ſpent therein did chooſe Mr *Peter Beverley* their Speaker who being by two members conducted and plac'd in the Chair, did riſe and make a Speech to this Effect

Gen^t:

Since it has been your pleaſure to call me to the Hono^r of your Chair, Duty obliges me to a Submiſſive obedience, and yet the apprehenſion of my own inabilities duly to performe the great work of a Speaker makes me affraid. However as the Sence of your affection and favour is an incourageing motive to accept the place So I hope by your Aſſiſtance from time to time to be Enabled to paſs through the greateſt difficulties of it with cheerfulneſs. My Indeavours ſhall never be wanting to ſerve you the beſt I can, and my reſolution is to be faithfull and Juſt, my ambition is to preſerve your Eteem, and I rely upon your goodneſs to pardon all ſuch unwilling Slips as may happen in my managements through weakneſs or inadvertency

Mr *Leigh* Mr *Cary* Mr *Corbin* Mr *Ranſone* Mr *Ballard* Mr *Armiſtead* Mr *Barber* Mr *Wynne* Mr *Thacker* Mr *Wilſon* Mr *Hoe* and Mr *John Weſt* were deſired forthwith to attend his Excell^cy and acquaint him that the houſe had made Choice of a Speaker, and to know his Excellencys pleaſure when the Houſe ſhall wait upon his Excell^cy to preſent him. And being returned Mr *Leigh* acquainted the Houſe that they had accordingly perform'd the ſame, and that his Excellency was pleaſed to ſay he would give the Houſe notice by a meſſage

A Meſſage from his Excellency by Mr *Robertſon*

Gent:

I am coñanded by his Excellency to acquaint you that his Excellcy hath thought fit to appoint to morrow morning eight a Clock for your attending him with your Speaker

Then the Houſe adjourned till to morrow morning Eight a Clock.

Saturday 20th *March* 1702

ROBERT Beverley Gent. Clerk of the Houſe of Burgeſſes by Coñiſſion from his Excellency the Governour having taken the Oaths appointed by Act of Parliament to be taken inſtead of the Oaths of Allegiance and Supremacy The Teſt and the Oath of Clerk of the Houſe of Burgeſſes adminiſtred unto him by *Edmund Jenings* and *Henry Duke* Eſqrs by virtue of a Coñiſſion from his Excellcy was admitted into the Houſe to his place accordingly

According to a meſſage from his Excellcy Yeſterday by Mr *Robertſon* the Houſe went to attend his Excellcy and preſent their Speaker, And being return'd Mr *Speaker* acquainted the Houſe

That he had humbly repreſented to his Excellcy that the Houſe had been pleaſed to make choice of him for their Speaker, and that his Excy was pleaſed to allow thereof, and that thereupon he had ſupplicated his Excy that none of his ffailings thro' weakneſs or inadvertency might turn to the prejudice of the members of this Houſe or any one of them, and in the name of the Burgeſſes humbly made claim that all the ancient rights and priviledges of the Burgeſſes may be continued to this Aſſembly, That the members thereof and their Servants in their perſons goods and Eſtates may be free from Arreſts and other diſturbances, That in all their debates they may have freedome and liberty of Speech and as occaſion requires acceſs to his Excellcys perſon.

And that thereupon his Excy was pleaſed to ſay That all the uſuall priviledges ſhould be continued to ye Houſe, and if they could think of any further liberties or priviledges, he would repreſent them to the Queen and uſe his indeavor for obtaining the ſame

After which (Mr *Speaker* further acquainted the Houſe (That his Excellcy was pleas'd to make a Speech and had given him a Copy thereof, with ſome papers relating to it, and read the Copy In theſe words.

Honble Gent:

I thank God that I can acquaint you of the glorious Succeſs of the Armes of her moſt Sacred Majtie and her Allies. And I will do myſelf the Honor to read to you (and after give to the Honble Mr *Speaker*) the firſt part of a Gazet, wherein is the account of a day being appointed by her Majties Proclamacon of publick thankſgiving to Almighty God &c — The greatneſs of which in all reſpects hath ſcarcely been equalled. And I think it a duty every way incumbent upon me to have a publick day of Thankſgiving kept in this her Majties moſt ancient and great Colony and Dominion of *Virginia*, which I have hitherto not done, till I could have the Honr of keeping of it in a Generall Aſſembly, and therefore deſire your advice of the time and manner how it ſhall be beſt performed

Gent:

Her Majtie hath been pleaſed to ſend her Royal Coñands to me relating to a Contribution of money and a quota of men (or money in lieu thereof) towards the defence of her Majties Province of *New York:* And her Majties Royall Letter to me concerning that affair, I ſhall now alſo do my ſelfe the great Honor of reading to you (and after that give it to the Honble Mr *Speaker*, as likewiſe give him ſome papers which I had from the Honble Coll *Byrd* concerning his Sons Agency

And

And I hope in God there will be no occaſion for me to uſe my beſt perſwaſions to incline you to a voluntary compliance, being it is the firſt propoſall that her moſt Sacred Majᵗⁱᵉ hath made to her Aſſembly of this her Majᵗⁱᵉˢ Colony and Dominion; ffor the Safety &c of which I will alſo do myſelf the Honʳ of reading to you (and then give Mʳ *Speaker*) her moſt Excellent Majᵗⁱᵉˢ proceedings in Councill concerning Arm's Amunition &c which ſhe hath been graciouſly pleaſed to order to be ſent hither: By which you may ſee yᵉ extraordinary great care her Majᵗⁱᵉ hath for your preſervation; And that the Sum for buying the Armes &c. is nigh three times as much as that for *New York;* And if you conſent (as I hope in God you will) to yᵉ 900ˡᵇˢ for that place whatever Addreſs you ſhall agree upon to her moſt Sacred Majᵗⁱᵉ concerning that affair, I hope I ſhall not only joyn with you therein but uſe my beſt indeavours that it may be obtained

Gen of the Houſe of Burgeſſes

That you may imitate as far as in you lies or the nature of this Country will allow of That Auguſt Aſſembly yᵉ Houſe of Comons of her Majᵗⁱᵉˢ Kingdome of *England* our Mother Country, are not only my hopes but my earneſt prayers to God Almighty, and that you may know ſome of their proceedings, I ſhall now read you, (and then give Mʳ *Speaker*) their moſt dutyfull and Loyal Addreſs to her moſt ſacred Majeſty &c

And I don't doubt but that you will agree with me that it is an extraordinary good one in all reſpects. And you may with them not doubt of the injoyment of all your rights and liberties, nor of her Majᵗⁱᵉˢ defending and maintaining the Church as by Law Eſtabliſht &c, her Majᵗⁱᵉ having been alwayes a moſt illuſtrious Ornament of yᵉ Church, and hath been expoſed to great hazards for it. And the value which her Majᵗⁱᵉ hath been graciouſly pleaſed to ſet upon the love and affection of her Subjects, I don't in the leaſt doubt but that it will highly oblige you to give her Majᵗⁱᵉ pledges thereof in your duty and Obedience, and that you will moſt earneſtly and heartily joyn with yᵉ Honᵇˡᵉ Houſe of Comons that you ſhall always be Senſible that her Majᵗⁱᵉˢ Intereſt and yoʳˢ are inſeperable, and that you will gratefully acknowledge her Majᵗⁱᵉˢ deſignes to make you ſafe and happy for the full accompliſhment of which I ſhall indeavʳ what in me lies, and neither coſt nor pains ſhall be ſpair'd, nor the venturing my life for it: which I take to be according to the duty in all reſpects which I owe to her moſt Sacred Majᵗⁱᵉ and the extraordinary love and affection which I have for this her Majᵗⁱᵉˢ moſt ancient and great Colony and Dominion of *Virginia*, and that our indeavoʳˢ be never wanting what in us lies to make her Majᵗⁱᵉˢ Reign more proſperous and more glorious than any of her Majᵗⁱᵉˢ Royall predeceſſoʳˢ are my moſt humble and cordial prayers to God Almighty

(Signed) *ffr: Nicholſon*

His Exᶜʸˢ Comiſſion to Mʳ *William Ballard* for being her Majᵗⁱᵉˢ Meſſenger and Mace bearer to attend this Houſe being read

Ordered That the ſaid *Ballard* give his attendance accordingly

Then a motion was made that Majᵒʳ *Thomas Swan* a member Elected for two Counties, make his Election which of yᵉ Counties he will ſerve for, and thereupon a debate ariſing

The Queſtion was put

That Mʳ *Swan* be permitted to make his Election at this time, which County he will ſerve for

It paſt in the Negative

Then a motion was made that a Comittee of Elections and priviledges be appointed, And

Another motion that the houſe do Adjourn, and thereupon a debate ariſing

The Queſtion was put

That the Houſe do adjourn, and

It paſt in the Negative.

Then the Houſe proceeded to yᵉ appointing a Comittee of Elections and priviledges

A Coñittee of Elections & Priviledges

Mr *Corbin*, Chairman

Mr *ffofter* — Mr *Bland*

Mr *Nath Harrifon* — Mr *Thacker*

Upon petition of Mr *Miles Cary* Junr he is appointed Clerk of this Comittee, and *Ordered* That he give his attendance accordingly

Ordered That the Clerk of ye Houfe deliver to the Chairman of the Coñittee for Elections and priviledges ye feverall Writts for Burgeffes which are come to his hands, and that the faid Coñittee take into their confideration the feveral returns thereupon, and make report of their proceedings and Opinions therein with all convenient expedition.

The petition of Mr *Chriftopher Neal* complaining of an undue return of a Burgefs for *Northumberland* County being read

Ordered That the Subject matter of the faid petition be referred to ye Conlideration of ye Coñittee for Elections and priviledges to examine ye fame and report their Opinions therein

The Houfe adjourned till *Monday* morning nine a Clock.

Monday March 22th 1702

MR. *Corbin* from ye Coñittee of Elections and priviledges reported that the faid Coñittee had taken into Confideration the feveral returns made by the Refpective Sheriffs upon the writts for Burgeffes Coñitted to them and therein had Agreed upon feverall refolutions which he read in his place, and then delivered them in at the table where being again read, The Houfe took ye fame into iñediate confideration, and agreed upon feverall refolutions (*Viz*)

Refolved That Coll *William Randolph* and Capt *ffrancis Epps* are returned Burgeffes to ferve in this prefent Generall Affembly for the County of *Henrico* according to Law

Refolved That Mr *Richard Bland* and Capt *Joflua Winn* are returned Burgeffes in this prefent Generall Affembly for the County of *Charles City* according to Law.

Refolved That Capt *Nathaniell Harrifon* and Majr *Thomas Swan* are returned Burgeffes to ferve in this prefent Generall Affembly for the County of *Surry* according to Law

Refolved That Capt *Arthur Smith* and Mr *Thomas Giles* are return'd Burgeffes to ferve in the prefent Generall Affembly for the County of *Ifle* of *Wight* according to Law

Refolved That Majr *Thomas Swan* and Capt *Henry Jenkins* are return'd Burgeffes to ferve in this prefent Generall Affembly for the County of *Nanfamond* according to Law

Ordered That Majr *Thomas Swan* being return'd Burgefs for two Countyes make his Election for which County he will ferve.

Refolved That Coll *James Wilfon* and Mr *Thomas Hodges* are return'd Burgeffes to ferve in this prefent Generall Affembly for the County of *Norfolk* according to Law.

Refolved That Coll *Edward Mofeley* and Majr *Adam Thorowgood* are return'd Burgeffes to ferve in this prefent Generall Affembly for the County of *Princefs Anne* according to Law

Refolved That Majr *Anthony Armiftead* and Capt *William Armiftead* are return'd Burgeffes to ferve in this prefent Generall Affembly for the County of *Elizth City* according to Law

Refolved That Coll *Miles Cary* and Capt *Robert Hubbert* are return'd Burgeffes to ferve in this prefent Generall Affembly for the County of *Warwick* according to Law

Refolved That Capt *Thomas Barber* and Lieut Coll *Thomas Ballard* are return'd Burgeffes to ferve in this prefent Generall Affembly for the County of *York* according to Law

Refolved

Reſolved That *Benjamin Harriſon* and *George Marable* are return'd Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *James City* according to Law

Reſolved That *Joſeph ffoſter* and *James Moſſe* are return'd Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *New Kent* according to Law

Reſolved That Coll *John Weſt* and Capt *Thomas Weſt* are return'd Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *King William* according to Law

Reſolved That Coll *William Leigh* and Mr *William Byrd* are return'd Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *King* and *Queen* according to Law

Reſolved That Majr *Peter Beverley* and Lt Coll *James Ranſon* are return'd Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *Glouceſter* according to Law

Reſolved That Coll *Gawin Corbin* and Mr *Edwin Thacker* are return'd Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *Middleſex* according to Law

Reſolved That *James Baughan* and *Richard Covington* are return'd Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *Eſſex* according to Law

Reſolved That Capt *William Robinſon* and Majr *David Gwyn* are returned Burgeſſes to ſerve in this preſent Generall Aſſembly, But that the words of the return are not agrecable to Law

Ordered That Mr *Downman* Sheriff of *Richmond* County be ſent for in Cuſtody of the Meſſenger attending this Houſe to mend his return on ye writt for Election of Burgeſſes for ye ſaid County

Reſolved That Capt *Rice Hoe* and Capt *Richard ffoſſaker* are returned Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *Stafford* according to Law

Reſolved That *Charles Aſhton* and *Henry Aſhton* Gentn are return'd Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *Weſtmorland* according to Law

Reſolved That Mr *John Turbervile* and Capt *William Ball* are returned Burgeſſes to ſerve in this preſent Generall Aſſembly for the County of *Lancaſter* according to Law

Reſolved That the Report of the ſaid Comittee concerning the Election for *Northumberland* County be poſtpon'd untill the Complaint of Mr *Chriſtopher Neal* upon the ſaid Election be heard

Reſolved That this Houſe doth accept the return endors'd on the Writt for Election of a Burgeſs for the Colledge of *William* and *Mary*, as a Sufficient anſwer for the ſame

Major *Thomas Swan* return'd Burgeſs for the ſeverall Counties of *Nanſamond* and *Surry*, made his Election to ſtand for *Nanſamond* County

Ordered That a meſſage be ſent to his Excellency to deſire a new Writt for Election of a Burgeſs in *Surry* County in the room of Majr *Thomas Swan* who has made his Election to Stand for *Nanſamond* County, and

That Mr *Nathaniel Harriſon* Mr *Jenkins* Mr *Wynn* and Mr *Smith* carry the ſaid Meſſage.

The petition of *Thomas Godwyn* Junr complaining of an undue Election and return of a Burgeſs in *Nanſamond* County was read

Ordered That the ſame be referr'd to the Comittee of Elections and Priviledges to conſider the ſubject matter thereof, and report their Opinions therein to the Houſe

The Petition of the ffreeholders of *James City* that a Writt may iſſue for Election of a Burges for the ſaid City according to Law, and their uſuall priviledge, and thereupon a debate ariſing,

The Queſtion was put

That the ſame be referr'd to the Comittee of Elections and priviledges

It paſt in the Negative

Then

Then the Houſe agreed to take the Subject matter of the ſaid petition into ñediate conſideration, and after a debate thereof

The Queſtion was put

That application be made for a writt for Election of a Burgeſs for *James City*

It paſt in the Negative

A Certificate of the Honble *Edm^d Jennings* and *Henry Duke* Eſq^rs dated ye 19th of *March* 1702 That purſuant to a Coñiſſion from his Excell^cy they had adminiſter'd the Oaths appointed by Act of parliament to be taken inſtead of the oaths of Allegiance and Supremacy the Teſt and the Oath of a Burgeſs to *John Weſt, Thomas Weſt, Wm Randolph, Nathl Harriſon, Thomas Swan, Richard Bland, Joſhua Wynn Gawin Corbin ffrancis Epp's Edwyn Thacker Richard Covington Henry Jenkins Miles Cary Robert Hubbard Joſeph ffoſter James Moſs Arthur Smith Thomas Giles Benj^a Harriſon George Marable Thomas Barbar Thomas Ballard Peter Beverley James Ranſone Wm Leigh Wm Bird Charles Aſhton Henry Aſhton Richard Haney John Harris James Wilſon Thomas Hodges Edward Moſeley Adam Thorowgood John Turbervile Wm Ball Anthony Armiſtead William Armſtead, David Gwynn, Rice Hoe* and *Rich^d ffoſſaker* Gen^n: was read

Upon Petition of *Richard Morris John Remington* and *Anthony Evans* for being continued Door-keepers to the Houſe

Ordered That they be continued door keepers to the Houſe of Burgeſſes, and that they give their Attendance accordingly.

Severall other perſons petitioning to be admitted door-keepers and but one wanted, Mr *Speaker* was deſir'd to name one of the peticon^rs and thereupon nam'd *Richard Strickland*, who was admitted and ordered to give his Attendance accordingly

The Orders of the laſt Houſe of Burgeſſes were read, and

Ordered That they be continued orders for this Aſſembly and lye conſtantly on the Table for every members peruſall as occaſion.

Ordered That the Houſe be call'd over as often as ſhall be thought conveinent and that thoſe members who ſhall be wanting in their duty of attendance be lyable to ye Cenſure of ye Houſe

Reſolved and accordingly *Ordered*

That it be a ſtanding rule of this Houſe that ffifteen members with ye Speaker ſhall be a Sufficient number to adjourn.

Ordered That Mr *Speaker* forbear to iſſue any Warrant upon the Order of this day for ſending for Mr *William Downman* Sheriff of *Richmond* in Cuſtody of the meſſenger, untill farther Order from this Houſe,

A meſſage from his Excell^cy by Mr *Robertſon*

Mr Speaker *and Gen^n of the Houſe of Burgeſſes*

His Excell^cy coñands your imediate attendance upon him in the Councill Chamber

And accordingly ye Houſe went to Attend his Excell^cy and being return'd Mr *Speaker* acquainted the Houſe That his Excell^cy was pleas'd to make a Speech to them, and had Given him a Copy thereof which he read in theſe words

Gen^n:

Her Maj^tie hath been graciouſly pleas'd to Hono^r me with her Royall Coñands concerning a publick day of Thankſgiving which I will here read to you and then give to the Honble Mr *Speaker.*

It is a very great ſatisfaction to me that what I propos'd to you on ye 20th Inſtant about ſuch a day is agreeable to her Maj^ties Royal Coñands, which I hope God willing we ſhall perform accordingly.

I have had the Hon^r to receive a Letter from the Right Honble Lords Coñiſſion^rs for Trade and plantations, part of which I will here read to you and after give to yor Speaker, as likewiſe a Copy of her Maj^ties Order Counterſign'd by my Lord Treaſurer for the three thouſand odd hundred pounds for Stores and proviſions of Warr

I recoñend to you what their Lordſhips are pleaſed to write about Servants when ffree having a Gun and twenty Shillings

I deſign God willing to go to meet their Excellencys the Lord Viſcount *Cornbury* her Majᵗⁱᵉˢ Governʳ of the Province of *New York* &c: and Coll *Dudley* her Majᵗⁱᵉˢ Governʳ of *New England* &c. either ſoon after the next Generall Court or in the ffall, and when we meet I hope I ſhall endeavoʳ what in me lyes that it may be for the advantage &c: of this her Majᵗⁱᵉˢ moſt ancient and great Colony and Dominion of *Virginia*, And I doe moſt heartily recoñend to you to conſider of the wayes and meanes of my doing of it

Genᵗˡ: What their Lordsᵖˢ were pleas'd to recoñend to my care to incourage yᵉ Natives of this Country for the fitly qualifying themſelves for the Offices thereof, I do cordially recoñend to you; One way to accompliſh which I think will be by incouraging her Majᵗⁱᵉˢ Royal Colledge of *William* and *Mary*, The Accounts of which are lately adjuſted by a Coñittee of the Truſtees and Governᵗˢ thereof, and I think that I ought to let you have them that you may ſee how yᵉ money &c. hath been diſpoſed of; and therefore now give them to yᵉ Honᵇˡᵉ Mʳ *Speaker*

Another way for yᵉ incouragement of the Natives will be, by eſtabliſhing to the ſeverall Offices ſuch Salaries ffees &c. that they may live comfortably and Genteely upon them.

I likewiſe give your Speaker a petition preſented to me concerning a Burgeſs for *James City* &c. and I recoñend it to yoʳ conſideration

Mʳ Secretʳʸ *Jenings* hath made a report from the Coñittee for Reviſeing the Laws, which I give Mʳ *Speaker* with the ſaid Laws.

But whether you will go upon them now, or referr them to ſome other time I wholly leave to yourſelves, but whenever it is I hope we ſhall all heartily joyn in our prayers to God Almighty that he would be graciouſly pleaſed to direct us, that the body of your Laws may fully anſwer the Writt by which you are now met in Aſſembly, for the accompliſhment of which you may be aſſur'd Gentlⁿ that my beſt endeavʳˢ ſhall not (God willing) be wanting

(Signed) *ffr. Nicholſon*

A Coñittee for Publick Claims

Mʳ *Miles Cary* Chairman

Mʳ *Bland*	Mʳ *Wilſon*
Mʳ *ffoſter*	Mʳ *Swann*
Mʳ *Moſeley*	Mʳ *Epp's*
Mʳ *Thacker*	Mʳ *John Weſt*

Mʳ *Wᵐ Armiſtead*

Upon petition of Mʳ *Miles Cary* Junʳ he is appointed Clerk of the ſaid Coñittee, & ordered to give his Attendance accordingly

A Coñittee for Propoſitions and Grievances.

Mʳ *Wᵐ Leigh* Chairman

Mʳ *Randolph*	Mʳ *Ranſone*
Mʳ *Corbyn*	Mʳ *Ballard*
Mʳ *Benjᵃ Harriſon*	Mʳ *Nathˡ Harriſon*
Mʳ *Barbar*	Mʳ *Antho: Armiſtead*

Mʳ *Hubbert*

Upon Petition of Mʳ *Wᵐ Randolph* Junʳ he is appointed Clerk of this Coñittee, and Order'd to give his attendance accordingly

Ordered That the Coñittees have power to adjourn themſelves *de die in diem* and to ſend for perſons records Journalls and other papers they ſhall from time to time have occaſion of.

Reſolved That all propoſitions Grievances and publick Claims be brought into yᵉ Houſe by *Monday* next at lateſt, or not to be receiv'd this Seſſion of Aſſembly without particular leave of yᵉ Houſe

Ordered That the Clerk of yᵉ Houſe publiſh yᵉ lateſt time ſet by yᵉ Houſe for receiving propoſitions Grievances & publick Claims during this Seſſion by Setting up a fair Copy of yᵉ Reſolve of yᵉ Houſe in that behalfe at yᵉ Colledge door

Ordered

Ordered That the Clerk of ye Houſe publiſh the place where ye Coñittee of Grievances & Propoſitions, and the Coñittee of publick Claims are to Sitt, *vizt* in ye Upper Rooms of ye Colledge where they formerly ſat, by Setting vp a Certificate thereof at ye Colledge door.

Ordered That the Coñittee of Publick Claims Inſpect ye Reports of ye Coñittee ye laſt Seſſion of Aſſembly, and Report to ye Houſe what they find therein neceſſary to be further conſider'd this Seſſion

Ordered That the Comittee of Grievances and propoſitions inſpect ye Journall of ye laſt Seſſion of Aſſembly and report to ye Houſe what they find therein neceſſary to be taken into conſideration this Seſſion

The Houſe adjourn'd till 9 a Clock to morrow morning

Tueſday 23^d^ *March* 1702

THE propoſition of Mr *James Weſtcomb* and the ſerverall propoſitions of the Countys of

Nanſamond
Henrico
King & Queen &
Middleſex

were read and referr'd to the Coñittee of Grievances and propoſitions

The Claims from the ſeverall Countys of

King and *Queen*
Henrico
Middleſex
Lancaſter &
Staſford

were read and referr'd to the Comittee of Publick Claims

A motion being made that the Houſe conſider thoſe parts of his Excell^cys^ Speech relating to a day of publick Thankſgiving

Reſolved That this Houſe doth readily and heartily concurr with his Excell^cy^ That a publick Thankſgiving be appointed for the great and glorious Succeſſes of her Maj^ties^ Armes by Sea and Land

Ordered That *Thurſday* in *Eaſter* week be ſet apart for y^e^ ſame.

Ordered That this Houſe be call'd over on that day at nine a Clock in the morning, and that no member do then fail of his Attendance without reaſonable excuſe upon pain of being Cenſur'd by the Houſe.

Ordered That a meſſage be ſent to the Councill to acquaint them that this Houſe hath appointed *Thurſday* in *Eaſter* week for a day of publick Thankſgiving for the great and glorious Succeſſes of her Maj^ties^ Armes by Sea and Land, and to deſire their concurrence thereto, and that if they do concurr they will be pleas'd to repreſent the ſame to his Excell^cy^ for his approbation.

Ordered That the Coñittee of Grievances & propoſitions carry the ſaid meſſage, and being return'd Mr *Leigh* acquainted the Houſe that they had delivered the ſaid meſſage.

Reſolved That this Houſe conſtantly meet in a morning according to adjournment, and that ye Coñittees attend accordingly

The Houſe adjourned till nine a Clock to morrow morning

Wedneſday 24th *March* 1702

MR. *Corbin* from ye Comittee of Elections & priviledges Reported the reſolves of that Comittee upon ye petition of Mr *Chriſtopher Neal* and the petition of Mr *Thomas Godwin* Junr as alſo the return of the *Northampton* Writt, which he read in his place and then deliver'd in at the table, where being again read ye Houſe took y^e^ ſame into imediate conſideration, and agreed upon ſeverall reſolutions, *vizt*

Reſolved

Reſolved That Mr *James Waddy* Sheriff of *Northumberland* County be ſent for in Cuſtody of ye Meſſenger attending this Houſe to anſwer the charge of Mr *Chriſtopher Neale* againſt him, for an undue return of Mr *John Harris* Burgeſs for the ſaid County.

Reſolved That Capt *Henry Jenkins* is duely Elected and Choſen Burgeſs for *Nanſamond* County to ſerve in this preſent Generall Aſſembly

Reſolved That *Benjamin Nottingham* & *Jacob Johnſon* are return'd Burgeſſes for *Northampton* County in this preſent Generall Aſſembly according to Law.

The Claim of Cõll *Wm Randolph* and the ſeverall Claims of the Countyes of

Charles City
Glouceſter
New Kent
Surry & *Iſle* of *Wight*

were read and referr'd to ye Coñittee of publick Claims

The ſeverall Grievances and Propoſitions of

Mr *Guy Smith* & Mr *James Clark* & of
Mr *John Holt*
Mrs *Mary Rider*
Mr *James Minge*
Edward Roſs
Tho: ffrancis &
John Goodale

} Referr'd by ye Councill

and alſo of Mr *Charles Chapman* were read and referrd to the Coñittee of Grievances and propoſitions

The ſeveral Grievances & propoſitions of the Countys of

Glouceſter
Surry
Charles City &
King & *Queen* referr'd from ye Councill were read and referr'd to the Coñittee of propoſicõns and Grievances.

A Meſſage from ye Councill by Mr *Robertſon*

Mr Speaker & Genth of ye Houſe of Burgeſſes

The honble Councill having taken into conſideracõn your meſſage wherein you acquaint them that yor Houſe hath appointed *Thurſday* in *Eaſter* week for a day of publick Thankſgiving for the great and glorious ſucceſſes of her Majties Armes by Sea & Land do concurr with you therein, and having repreſented the ſame to his Excellcy, he hath been pleas'd to give his approbation, and farther to appoint ye like day of Publick Thankſgiving for thoſe great Suceſſes to be Solemnized in all the Countys of this her Majties Colony and Dominion on ye fourth day of *May* next.

By Order of ye Honble Councill
Will Robertſon Cl Genl Aſſbly

March 24th 1702

Ordered That Capt *William Armiſtead* have leave to return home upon his extraordinary occaſions, and that he attend ye Service of this Houſe on *Monday* next.

A mocõn being made by a member of ye Houſe concerning a breach of priviledge of ye Election of Burgeſſes in *Surry* County for this Aſſembly

Ordered That the ſaid member put in ye Charge in writing againſt ye perſon guilty of the ſaid breach of Priviledge

The ſeverall Petitions for Naturalization of

John Gill & Stephen Gill
Paul Harralſon &
The Refugees at ye *Manakin* Town

All being referr'd by ye Councill were read and referr'd to ye Coñittee of propoſicõns and Grievances.

The Petition of *David Stoner* referr'd by ye Councill was read and referr'd to ye Conſideration of ye next Seſſion of Aſſembly

The Houſe adjourn'd till nine a Clock to morrow morning

Thurſday

Thurſday 25th March 1703

THE petition of Mr *Chriſtopher Neale* for withdrawing his Complaint upon ye Election of *Northumberland* County being read

Ordered That he have leave to withdraw his ſaid Complaint

The member appointed by order of yeſterday to put in writing the charge by him made of a breach of priviledge coñitted at ye Election of *Surry* County and to name ye perſon, put in charge againſt Major *Arthur Allen* of ye ſaid County

Reſolved That the Charge therein laid down is a breach of priviledge if it ſhall be found to be true.

Ordered That the ſaid Major *Arthur Allen* be ſent for in cuſtody of the meſſenger attending this Houſe to anſwer ye ſaid Charge on *Wedneſday* next, and that Mr *Speaker* iſſue out a warrt accordingly

The propoſitions and Grievances of the Countys of

Norffolk &
Stafford

not being atteſted as ye Law directs were rejected

The ſeverall propoſitions and Grievances of *King William* County were read and referr'd to ye Coñittee of propoſitions and Grievances.

The petition of *Samuel De Monville* for Naturalization, was read, and referr'd to ye Comittee for publick Claims.

The ſeverall Claimes of the Countyes of

Norffolk.....*King William*
Warwick.....*Nanſamond*
Richmond..... &
Weſtmorland.....*Eſſex* Counties

were referr'd to the Coñittee for publick Claims

A moc̃on being made that his Excellcys Speeches lie upon the table unconſider'd, and thereupon a debate ariſeing

The Queſtion was put

That the Houſe imediately proceed to ye conſiderac̃on of his Excellcys two Speeches to this Houſe

It paſt in the Negative

Reſolved That this Houſe will upon *Tueſday* morning next take into Conſideration his Excellcys ſaid Speeches.

Ordered That the ſeverall proceedings of the laſt Houſe of Burgeſſes upon his late Majties Coñands for a Contribution to *New York* be laid on the Table for the peruſal of ye members of this Houſe.

A meſſage from his Excellency & Councill by Mr *Robertſon*.

By his Excy & ye Honble Councill

Mr Speaker *& Gent of ye Houſe of Burgeſſes*

His Excellcy and the Honble Councill propoſe that a Coñittee of the Houſe of Burgeſſes be appointed to joyn with a Coñitte of her Majties Councill to inſpect the building of ye Capitoll. & to conſider of ye neceſſary meaſures for the Compleating finiſhing & furniſhing ye ſaid building; And becauſe ye finiſhing thereof before next winter will ſave at leaſt two hundred pounds charge to ye Country, that it be recoñended to ye ſaid Coñittee to agree upon ſuch proper methods as will beſt advance the ſaid building and alſo to appoint ſome fit perſon to take charge of ye ſame when finiſhed

By Order of his Excy and ye Honble Councill
Will Robertſon Cl Geñl Aſſembly.

March 25th 1703

Reſolved That ye Houſe doth concurr with the ſaid Meſſage,

A Coñittee to joyn with ye Councill
for inſpecting ye building ye Capitoll &c

Mr *Cary*.....Mr *Ballard*
Mr *Benj*n *Harriſon*.....Mr *Corbin*
Mr *A: Armiſtead*.....Mr *Wynn*.

Ordered

Ordered That y^e^ ſaid Coñittee and the reſt of ye Coñittee of publick Claims wait upon his His Excell^cy^ and Councill & acquaint them, that this Houſe hath appointed Six perſons as a Coñittee to joyn with ſuch members of ye Councill as ſhall be appointed to inſpect ye building of ye Capitoll, and conſider ye meaſures for ye finiſhing & furniſhing y^e^ ſame, and that they are to attend at ſuch times as his Excell^cy^ and Councill ſhall think fit.

And being returned Mr *Cary* acquainted ye Houſe that they had delivered the ſaid Meſſage

The Houſe adjourn'd till nine a Clock to morrow morning

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ffriday 26th *March* 1703

ORDERED That M^r^ *A: Armiſtead* have leave to return home upon his extraordinary Occaſions, and that he give his Attendance in ye Houſe on *Monday* morning next

The Houſe adjourn'd till 9 a Clock to morrow morning.

Saturday 27th *March* 1703

A MESSAGE from his Ex^cy^ & Councill by Mr *Robertſon.*

*M^r^* Speaker *& Gen^ll^ of ye Houſe of Burgeſſes*

It being very neceſſary for her Maj^tie^ and ye Countrys Service, that a fferry be appointed on *York* River between *Tindalls* point and *Weſt* Point, his Excell^cy^ & ye Councill propoſe that one be Settled from *Cappahoſick* to ye land of Capt *Baldwin Matthews*

By order of his Ex^cy^ & ye Honble Councill
Will Robertſon Cl Genll Aſſembly.

Ordered That ye Conſideration of the ſaid Meſſage be referred to ye Coñittee of propoſitions and Grievances

Mr Secretary *Jenings*'s petition to ye Governour & Councill concerning ye Removal of ye Country Records into the Capitoll being referr'd hither by ye Councill was read, and

Ordered That it be referred to ye Coñittee appointed to inſpect the building of the Capitoll &c

Major *Arthur Allens* petition upon proceſs againſt him from this Houſe upon a charge of breach of priviledge, was read, &

Ordered That the proceſs for bringing the ſaid *Allen* (in Cuſtody of ye Meſſenger) before this Houſe be ſtay'd till further Order from the Houſe, and that the ſaid *Allen* attend this Houſe on *Wedneſday* morning next, to anſwer the ſaid Charge.

Ordered That Mr *John Hatch* Mr *Ethelred Taylor* Mr *William Edwards* M^r^ *Wm Cock*, & Mr *Nicholas Maggot* attend this Houſe on *Wedneſday* morning next as Evidences concerning a Charge put in againſt Maj^r^ *Arthur Allen.*

The ſeverall Claims by petition of *Edmund Jenings* Eſq^r^ *Robert Beverley* and *Thomas Blount* were read and referr'd to ye Comittee of publick Claims.

The propoſition of ye Burgeſſes of *Stafford* County for Conſolidateing ye pariſhes of *Overworton* and St *Pauls* in y^e^ ſaid County was referred to ye Coñittee of propoſitions and Grievances.

Mr *Leigh* from ye Coñittee of propoſitions and Grievances Reported that y^e^ ſaid Coñittee had taken into Conſideration y^e^ ſeverall matters to them referr'd, and therein had agreed on ſeverall reſolutions which he read in his place, and then deliver'd in at ye table, and being again read

Ordered That the ſaid report be taken into Conſideration on *Monday* next.

Ordered That ye Houſe be call'd over on *Monday* next at one a Clock

Ordered That if Mr *Nathaniel Harriſon* upon his neceſſary occaſions ſhould not attend at ye Calling over this Houſe on *Monday*, he be excuſed the Cenſure of ye Houſe

The Houſe adjourn'd till nine a Clock on *Monday* morning

Monday

Monday 29th March 1703

A COMITTEE for receiving inſpecting and Examining Mr *Treaſurers* Accounts
Mr *Bland*. . . . . Mr *Cha: Aſhton*
Mr *Marable*. . . . . Mr *Turbervile*
Ordered That the ſaid Coñittee report their proceedings therein to ye Houſe

The paper of Grievances and propoſitions of *Elizabeth City* County referr'd hither by ye Council were read and referr'd to ye Coñittee of propoſitions and Grievances and

Ordered That it be a direction to ye ſaid Comittee to inquire into ye matter of fact laid down in ye firſt part of the ſaid paper of Grievances.

Roger Lights petition to be imploy'd in looking after ye Capitol &c was read and referr'd to ye Coñittee appointed to inſpect ye building of the Capitol &c.

The Claims by Petition of *C. C. Thacker* & Mr *James Minge* were read and referr'd to ye Comittee for publick Claimes

The Houſe according to ye Order of *Saturday* laſt was call'd over, and the names of thoſe that did not appear noted down, whoſe names being called over a Second time

Ordered That Mr *Arthur Smith* be taken in Cuſtody of ye meſſenger to anſwer his default in not attending (according to his duty) ye Service of this Houſe,

Ordered That Mr *Joſeph ffofter* be taken in Cuſtody of ye meſſenger to anſwer his default in not attending (according to his duty) ye Service of this Houſe.

Ordered That Mr *Edwyn Thacker* be taken in Cuſtody of ye meſſenger to anſwer his default in not attending (according to his duty) ye Service of Houſe.

The Houſe (according to order of ye day) took into conſideration ye report of ye Coñittee of propoſitions and grievances made on *Saturday* laſt, and proceeding therein paragraph by paragraph, with ſome Amendments to ſeverall of them agreed to theſe Reſolutions following (*viz*t)

Reſolved That the ferry be continued in *Middlex* County at ye place appointed by Law over *Rãpp*a River to *Chowning*s Point and *Matrom Wrights* plantation and that ye price be alter'd (*viz*t) for a man two Shill^{s} ſix pence, and for a man and Horſe four Shillings.

Reſolved That the propoſiçons of *Henrico* and *Charles City* Countys that ye Acts impoſing a Duty upon Liquors Servants and Slaves be continued for three years after the time they run for, for defraying the Burgeſſes charges, and paying of Officers that attend the Aſſembly's, be rejected.

Reſolved That ſome ſuitable proviſion be made to prevent the Inhabitants of this Country from Entertaining or harbouring any Indians, or imploying them to Hunt upon any Land belonging to the Inhabitants

Ordered That Mr *Randolph* Mr *Epps* Mr *Bland* & Mr *Wynn* prepare and bring in a bill for remedying the ſame.

Reſolved That the propoſition from *Charles City* County for renewing the Act for regulateing ye Size & tare of Tobacco hhds be referr'd till the reviſed Laws be taken into Conſideration, Suitable proviſion for the ſame being made therein

Reſolved Upon ye propoſition from *Charles City* County, That Application be made to his Excell^{cy} for ye taking off ye reſtraint laid upon ye taking up or Surveying and patenting out Lands. and

That this Houſe doth diſagree to ye Report of the ſaid Coñittee that ye other part of ye propoſition of ye ſaid County of *Charles City* that no greater quantities then Six hundred and fourty Acres of Land be taken up in one tract, be rejected.

A meſſage in writing from his Excellency by Mr *Robertſon*

Mr Speaker *& Gen*^{t} *of ye Houſe of Burgeſſes*

I am heartily Sorry that I am obliged to acquaint you (but if I did not do it I ſhould fail in my bounden Duty to her moſt ſacred Maj^{tie}; and be wanting in that very great love and affection which I have for this her Maj^{ties} moſt Ancient and great Colony and Dominion

Dominion of *Virginia*) that laſt *Saturday* I receiv'd a Letter which is dated in *London* ye 5th of *October* laſt One part of which is thus, (*vizt*)

"It was ſaid, that it appear'd that the Aſſemblys not complying with the In-"ſtruccons about *New York* was by my mean's, and that my propoſing it alone would "hinder it.

Hon^d Genl^n

I do moſt earneſtly recoñend to you to let me know your reſolution upon this affair, and then I hope in God, a ſatisfactory anſwer ſhall be given you by

March 29th 1703 *ffr: Nicholſon*

And thereupon a debate ariſing, ye Queſtion was put, That the ſaid Meſſage be taken into iñediate conſideration

It paſt in the Negative

Reſolved That this Houſe will take the ſaid written meſſage into conſideration to morrow morning

Ordered That Mr *Arthur Smith* in cuſtody of the meſſenger, attending this Houſe, for abſenting himſelfe from his Service in Aſſembly, be diſcharg'd out of Cuſtody paying his ffees

Then the Houſe proceeded in the further conſideration of ye Report of ye Coñittee of propoſitions and Grievances and with ſome Amendments to them agreed to theſe reſolutions following (*vizt*)

Reſolved Upon ye propoſitions of *Charles City* County for altering the bounds of ye pariſhes in y^e ſaid County, which divided by a River, That it is not convenient to make any proviſion therein at this time, and therefore

Ordered That the ſaid propoſition be referr'd to ye next Seſſion of Aſſembly

Ordered That the remaining parts of ye report of the ſaid Coñittee be taken into conſideration on *Wedneſday* next.

Then the Houſe adjourn'd till to morrow morning nine a Clock

Tueſday 30th *March* 1703

ORDERED That M^r *Joſeph ffoſter* and Mr *Edwin Thacker* in cuſtody of the meſſenger attending this Houſe for abſenting themſelves from their Service in Aſſembly, be diſcharg'd out of Cuſtody paying their fees

The Claim by petition of Mr Secretary *Jenings* for payment for the Militia Coñiſſions, was read, and referr'd to ye Coñittee of publick Claims

The return of ye writt for Election of Burgeſſes in *Accomack* County was read, and thereupon

Reſolved That Capt *Tully Robinſon* and Mr *Richard Druñond* are duely return'd Burgeſſes to ſerve in this preſent Generall Aſſembly.

The return of the writt for Election of a Burgeſs in *Surry* County in ye room of Majo^r *Thomas Swann* who hath made his Election to ſtand for *Nanſamond* County was read, and thereupon

Reſolved That Mr *William Edwards* is duely return'd a Burgeſs to ſerve in this preſent Generall Aſſembly for the ſaid County of *Surry*

Ordered That Mr *Tully Robinſon* have leave to bring in ye propoſitions and Grievances of *Accomack* County.

The propoſitions of *Accomack* County were read, and referr'd to ye Coñittee of propoſitions and Grievances

Then ye Orders of ye day were read (*vizt*)

The Order for taking into Conſideracon his Excell^cys two Speeches to this Aſſembly &

The Order for taking into Conſideration his Excell^cys written meſſage of yeſterday

And thereupon a debate ariſing ye queſtion was put, That ye Houſe proceed to ye iñediate conſideration of his Excell^cys written meſſage of yeſterday.

Reſolved in the Affirmative

Reſolved

Reſolved That it doth appear to ye Houſe that ye laſt Houſe of Burgeſſes did refuſe to give the Nine hundred pounds to *New York*, not becauſe the Governo^r^ was ye propoſer of it, but for other reaſons at large Enumerated in the Journall of the ſaid Houſe; and that the Report mentioned in his Excell^cys^ written meſſage of yeſterday is a falſe ſcandalous and malitious report

Ordered That a Copy of y^e^ ſaid Reſolve be forthwith carried to his Excellency as an anſwer to his ſaid meſſage; And that Mr *Cary* with ye other members of ye Coñittee of Claims, and the members of ye Coñittee of Elections carry y^e^ ſame; and being return'd Mr *Cary* acquainted ye Houſe that they had deliver'd the ſaid meſſage.

Then the Houſe according to ye other order of the day took into conſideration his Excell^cys^ two Speeches to this Aſſembly, and proceeded to ye reading of them and the papers thereto relateing.

A written meſſage from his Excell^cy^ was brought in by Mr *Robertſon*, which was read at ye table in theſe words—

*M^r^* Speaker *& Gen^n^ of ye Houſe of Burgeſſes*

I herewith ſend you two Letters which I receiv'd from his Excellency *Edward* Lord Viſcount *Cornbury* Capt Generall and Govern^r^ in Chief of her Maj^ties^ Province of *New York* and territoryes thereunto appertaining, by which you may ſee how preſſing his Lordſhip is for y^e^ ſpeedy remitting the Quota of money which her Maj^tie^ hath been pleas'd to require of this Government for the aſſiſtance of her Maj^ties^ ſaid Province, and how much it is wanted there; I do again recoñend that matter to your Serious conſideration, and if you find the Countrey hath not money in Bank to advance for that Service I hereby freely offer to lend it to you without any intereſt.

March 30th 1703 *ffr: Nicholſon*

Ordered That the ſaid meſſage be conſidered when that part of his Excell^cys^ Speech which relates to *New York* is conſider'd

Then the Houſe took into conſideration that part of his Excell^cys^ ſpeech which relates to *New York* and thereupon a moc̃on being made that a conference be deſir'd with ye Councill concerning y^e^ ſame, after debate thereon, The Queſtion was put,

That a free Conference be deſir'd with ye Councill upon that paragraph of his Excell^cys^ firſt Speech relating to her Maj^ties^ Coñands for a Contribution to *New York*, before any further proceedings be had upon the ſaid Paragraph

It paſt in ye Negative

Reſolved nemine contradicente

That this Countrey is not of Ability to comply with her Maj^ties^ Coñands in contributing the ſũm of Nine hundred pounds requir'd for *New York*

Ordered That a meſſage be ſent to ye Councill to deſire their concurrence to this Reſolve, and that if they concurr they will be pleas'd to Joyn in a Coñittee with ye Burgeſſes to conſider of the beſt methods to repreſent our circumſtances of inability to her Maj^tie^

Ordered That Mr *Benjn Harriſon* Mr *Haney* Mr *Turbervile* and M^r^ *Wm Robinſon* carry the ſaid meſſage, and being return'd Mr *Harriſon* acquainted the Houſe that they had perform'd the ſame

The Houſe adjourn'd till nine a Clock to morrow morning

Wedneſday 31th *March* 1703

A MESSAGE from his Excellency by Mr *Robertſon*.

*M^r^* Speaker *& Gen^n^ of ye Houſe of Burgeſſes*

I give you my cordiall thanks for yor reſolve of Yeſterday in anſwer to what I laid before you ye day before, and I deſire you to beleive that I ſhall moſt readily embrace my opportunity of retaliating it; and I hope in God that it will never

never juſtly be made appear that you refuſe to comply with any of her Majᵗᵉˢ Royall Comands becauſe propoſed by

March 31ˢᵗ 1703. *ffr Nicholſon*

The Claim by Petition of Mʳ Secʳʸ *Jenings* was read and referr'd to yᵉ Coñittee for Publick Claims

The petition of *John Redwood* for being imploy'd in looking after yᵉ Capitoll & publick priſon, was read and referr'd to yᵉ Coñittee appointed to inſpect yᵉ building of yᵉ Capitoll &c.

Then according to order of yᵉ day, yᵉ Houſe proceeded to yᵉ further conſideration of yᵉ report of yᵉ Coñittee of propoſitions & Grievances and with ſome amendments to them agreed upon theſe Reſolutions following, (*vizt*)

Reſolved That the propoſitions of *Guy Smith* & *James Clack* Clerks, for providing a method to prevent Maſters of Ships &c from leaving out Tobacco after the receipt of Notes for the ſame, be rejected.

Reſolved That the propoſition of *Guy Smith* & *James Clack* Clerks for prevention of Slaves working on yᵉ Sabbaoth dayes be referr'd till yᵉ Reviſed laws be taken into Conſideration, Suitable proviſion for the ſame being made therein.

Reſolved That the Propoſition of *James Weſtcomb* for reviving yᵉ Act regulating Clerks ffees, be referr'd till yᵉ revis'd laws be taken into conſideration, Suitable Proviſion for yᵉ ſame being made therein

Reſolved That the propoſition from *Glouc*ʳ County for making a Strickter Law to compell yᵉ ffreeholders to come to Election of Burgeſſes, be referr'd till yᵉ Revis'd Laws be taken into conſideration, Suitable proviſion for yᵉ ſame being made therein.

Reſolved That yᵉ Report of yᵉ ſaid Coñittee upon conſideration of yᵉ Grievance from *Glouceſter* County concerning yᵉ killing of unmarked hogs be agreed to (*vizt*)

That no perſon ſhall kill any unmarked hog or Shote except upon his own or unpatented Lands or among his own Stock, and in caſe he do kill any ſuch hog or Shote, that then he ſhall within three months go to ſome Juſtice of yᵉ peace and make Oath of yᵉ truth of it, and thereupon obtain yᵉ Juſtices Certificate, otherwiſe to be fined One hundred and fifty pounds of tobacco to yᵉ party complaining to be recover'd before a Juſtice of yᵉ peace, and in caſe yᵉ party offending cannot pay yᵉ aforeſᵈ forfeiture that then he ſhall receive fifteen laſhes on his bare back

Ordered That a clauſe for yᵉ ſame be added to yᵉ Bill in yᵉ reviſed laws Entituled *an Act againſt Stealing hogs*, when the ſaid laws ſhall be taken into conſideration.

Reſolved That the Grievance from *Glouceſter* County for making a Law to bring perſons to condign puniſhment who ſhall aſperſe Jurors, be rejected the party greived having remedy at yᵉ Coñon Law.

Reſolved That yᵉ Grievance from *Glouc*ʳ County deſiring that yᵉ High wayes be kept in repair, be referr'd till yᵉ Reviſed laws be taken into conſideration, a Suitable proviſion for yᵉ ſame being made therein

Reſolved That the petition of Mʳ *James Minge* for leave to bring in a Bill to enable him to purchaſe convenient Lands on *Match Coats* rũn to erect a mill on (the ſaid *Minge* having no Land on either Side of the ſaid rũn) be rejected.

Reſolved That the Grievances of *King* & *Queen*, *Surry*, & *Iſle* of *Wight* County's concerning the Standard of *Spaniſh* money, be referr'd till yᵉ Reviſed laws be taken into conſideration, Suitable proviſion for yᵉ ſame being made therein.

Reſolved That the Grievance of *Iſle* of *Wight* County complaining that the allowance of fourty pounds of tobacco ℔ day for Evidences attendance in Courts is too much be rejected

Reſolved That yᵉ Grievance from *Iſle* of *Wight* County complayning that no allowance is allowed Conſtables, be referr'd till yᵉ reviſed laws be taken into conſideration, Suitable proviſion for yᵉ ſame being made therein

Reſolved That a Bill be drawn making Suitable proviſion that there be no manner of abridgment in yᵉ Election of Burgeſſes

Ordered That the Coñittee of propoſitions and Grievances draw the ſaid Bill.

Ordered

Ordered That ye remaining parts of ye Report of y^e^ ſaid Coñittee of propoſitions and Grievances be taken into conſideration on *ffriday* next.

A meſſage from the Councill by Mr *Robertſon*

*M^r^* Speaker *& Gen^n^ of ye Houſe of Burgeſſes*

The Council having under conſideration your reſolve of yeſterdayes date relating to ye Nine hundred pounds requir'd for *New York* deſire a free Conference upon the Subject matter of the ſaid reſolve, and have appointed four of their members to manage the ſaid conference with ſuch number of Burgeſſes as the Houſe ſhall think fit.

By Order of ye Honble Councill
Wil Robertſon Cl: Gen Aff^bly^

Reſolved Nemine contradicente

That this Houſe will not agree to a conference deſir'd by ye Councill in their meſſage of this day upon ye Reſolve of this Houſe concerning the nine hundred pounds requir'd for *New York*, untill the Councill returne y^e^ ſaid reſolve with their concurrence or diſagreement thereto.

Ordered That Mr *Benjn Harriſon* Mr *Haney* Mr *Turbervile* and Mr *William Robinſon* carry y^e^ ſaid reſolve to ye Councill as an anſwer to their ſaid meſſage, and being returned Mr *Harriſon* acquainted ye Houſe that they had perform'd the ſame.

According to order of ye day, ye houſe took into conſideration ye charge put in on *Thurſday* laſt againſt Maj^r^ *Arthur Allen*.

Ordered That ye Meſſenger attending this Houſe forthwith take Major *Allen* in cuſtody and him bring before ye Houſe to anſwer y^e^ ſaid Charge, and being brought to ye barr, ye Houſe proceeded to the Examination of ye truth of y^e^ ſaid Charge, and after hearing and debate thereupon

Reſolved That the ſaid Charge is not ſufficiently proved

Reſolved That nothing hath appear'd prov'd againſt the ſaid *Allen* which is a breach of priviledge.

Exceptions being taken to ſome words let fall by the ſaid *Allen* in ye firſt part of his defence, (Set down in a paper of the ſame deliver'd into ye Houſe by Order)

Ordered That the ſaid *Allen* be call'd into ye Houſe to explain himſelf, and being come Mr *Speaker* demanded of him to explain the ſame whether he meant any reflection upon Mr *Nathaniel Harriſon* or any member of this Houſe, to which the ſaid *Allen* anſwer'd No, he had no prejudice againſt him, as he was a member of this Houſe he had a reſpect and hon^r^ for him and every member here.

A meſſage from the Councill by Mr *Robertſon*

By ye Councill

*M^r^* Speaker *& Gen^n^ of ye Houſe of Burgeſſes*

In anſwer to ye laſt reſolve That your Houſe will not agree to the Conference deſir'd by ye Councill in their meſſage of this day upon ye Reſolve of your Houſe concerning the Nine hundred pounds requir'd for *New York* untill they return the ſaid Reſolve with their concurrence or diſagreement thereto.

The Councill do acquaint you that not being ſufficiently ſenſible of the reaſons of your reſolve of yeſterday concerning the inability the Country lies under to ſupply her Maj^tie^ with the ſume propoſed in her gracious Letter they deſir'd a conference on that Subject being the conſtant and approv'd method to clear all doubts, and to keep a good underſtanding between the two Houſes of Aſſembly; and cannot but be ſurprized at your deniall of the ſame, and therefore knowing of no better way to come to a good agreement, inſiſt upon their deſire of the ſaid conference as their undoubted Right, and the uſuall method on ſuch occaſions.

By Order of ye Honble Councill
Wil Robertſon Cl Geñl Aff^bly^

March 31^ſt^ 1703

Reſolved That the ſaid meſſage be taken into conſideration to morrow morning.

Ordered That the remaining part of the Govern^rs^ two Speeches this Aſſembly be taken into conſideration to morrow morning

Then the Houſe adjourn'd till Eight a Clock to morrow morning.

Thurſday

Thurſday 1º *April* 1703.

THE Houſe (according to order of the day) took into conſideration the laſt meſſage from the Councill yeſterday inſiſting upon the Conference deſir'd, and thereupon

Reſolved nemine contradicente

That this Houſe doth adhere to their former reſolve in not agreeing to the ſaid Conference

Ordered That a Coñittee be appointed to draw up a Suitable meſſage to the Councill upon the ſame, and accordingly Mr *Leigh* Mr *Cary* Mr *Randolph* Mr *Benjamin Harriſon* & Mr *Corbyn* were appointed a Coñittee to draw ye ſame, and to make report thereof as ſoon as conveniently they can

Ordered That the Conſideration of the remaining parts of his Excellcys Speeches be referr'd till to morrow.

The Houſe accord to Order of the Day, was call'd over.

And then the Houſe adjourn'd till to morrow morning nine a Clock

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ffriday 2d *April* 1703.

MR. *Leigh* from the Coñittee appointed to draw a Suitable meſſage to the Councill upon their laſt meſſage wherein They inſiſt upon the Conference deſir'd. Reported that they had prepar'd the ſame, which he read in his place and then deliver'd in at the table where the ſame was read, and with ſome amendments agreed unto by ye Houſe, and is as follows,

May it pleaſe Yor Honrs

In Anſwer to your laſt meſſage wherein you inſiſt upon your deſire of a Conference upon ye reſolve of this Houſe concerning the Nine hundred pounds requir'd for *New York*, as your undoubted Right.

The Houſe do acquaint your Honrs that they ſhall at all times but more eſpecially upon this occaſion indeavor to preſerve a good underſtanding and agreement between yor Honrs and themſelves, and they will very readily comply with whatever your Honrs ſhall propoſe for the attainment thereof ſo as it may be done without dimunition of thoſe Rights and priviledges which they take to be inherent in them, and from which they preſume to hope yor Honrs will not deſire them to depart; But as this Caſe ſtands the Houſe do reſolve to adhere to their laſt reſolve and not to agree to a conference upon the Subject matter of ye Reſolve firſt mention'd, untill yor Honrs ſhall ſome way or other have ſignifyed your Opinion upon it. The Burgeſſes doe acknowledge that many times Conferences are very neceſſary between the two Houſes of Aſſembly, but that it is the conſtant method, or yor Honrs undoubted Right to have it, they conceive they can in no wiſe agree, ffor that it is alwayes at ye liberty of each Houſe whether they will admitt any Such or no. And if it were yor Honrs undoubted Right to have a conference whenever you ſhould deſire it, then it muſt neceſſarily follow that ye Burgeſſes ſhould be obliged to attend yor Honrs where and whenever your Honrs ſhould think fit to require them, whether they thought it reaſonable or not, which in conſequence might prove greatly prejudicial to their publick concern's. The Burgeſſes do take the conſtant and known practice of Aſſemblys in like caſes to be that when any Bill or other matter hath paſt their Houſe, and been ſent up to ye Councill, that the ſame hath alwayes been ſent down again with the Opinion of ye Councill thereupon before any conference hath been had upon ye Subject matter thereof, as may be obſerv'd in the method continually uſed in paſſing the Book of Claims, and inſtances are not wanting of ye Burgeſſes having denied conferences when yor Honrs have deſir'd them, before you have ſignified your Opinion upon the ſubject matter under conſideration

tion, and your Hon^rs have refted fatisfied with fuch deniall, as to inftance one cafe for all may be rememb'red the laft Affembly upon a Bill then depending Entituled *an Act concerning the Militia*

ffriday 2^d April 1703.

Ordered That the members that drew up the faid meffage carry the fame to ye Councill, and being return'd Mr *Leigh* acquainted ye Houfe that they had deliver'd ye fame.

The Houfe (according to Order of ye day) refum'd the further confideration of his Excell^cys Speeches

Refolved nemine contradicente

That the fforts already Erected on ye ffrontiers of *New York* are no Security to this Colony, and that notwithftanding the fame the Enemy may and frequently doth come upon our ffrontiers, and comitt murders and other mifcheifs.

Refolved nemine contradicente

That the building of any more fforts upon ye ffrontiers of *New York* will not any wayes avail to ye Security and defence of this Colony, for that an Enemy may annoy or invade ye fame, and not come within an hundred miles of any ffort that can be built within the province of *New York*.

Refolved nemine contradicente

That fending the Quota of men to the province of *New York* according to her Maj^ties Comands will be prejudiciall to her Maj^ties intereft at home and endanger the Safety of this Colony.

Refolved nemine contradicente

That it is not probable any men can be fent from this Colony foon enough to be Serviceable to the province of *New York* upon an Invafion

Refolved nemine contradicente

That by means of the prefent publick ingagements, and fuch neceffary provifions as the defence and fecurity of this Colony will from time to time require we fhall not be able to furnifh the province of *New York* with money in lieu of men

Refolved nemine contradicente

That it is abfolutely neceffary to make a repref entation to her Maj^tie upon the Subject matter of the foregoing refolves to the end her Maj^tie may be truly inform'd of the ftate of the Cafe between this Government and *New York*.

Refolved nemine contradicente

That this Houfe will in due time proceed to the confideration of a Suitable method to make fuch repref entation to her Majefty.

A motion being made by a member of this Houfe that a paper which he held in his hand and read, fhould be receiv'd into the Houfe for confideration, and thereon a debate arifing the Queftion was put

That the faid paper be received by ye Houfe

It paft in the Negative

Then the Houfe refum'd the further confideration of his Excellencys Speeches

Refolved That the confideration of that part of his Excell^cys fecond Speech which relates to the giving a Servant a Gun at his ffreedome be referr'd till the Bill in the Rivifall concerning the Militia, or the Bill concerning Servants be taken into confideration.

Refolved That this Houfe do proceed upon the Revifed Lawes this Seffion.

Ordered That the remaining part of the Report of the Comittee of propofic̃ons and Grievances be referred till to morrow morning.

Ordered That Mr *Ranfone* have leave to return home upon his extraordinary occafions, and that he attend the Service of this Houfe on *Wednefday* next.

The Houfe adjourn'd till nine a Clock to morrow morning

Saturday

Saturday 3d April 1703.

THE Houſe according to order of ye day reſum'd the further conſideration of the report of ye Comittee of propoſitions and grievances and with ſome amendments to them agreed upon theſe following reſolves, (*viz*t)

Reſolved That the Grievance from *Surry* County deſiring that no perſon may exerciſe any trade but he that ſerves a legal Apprenticeſhip to it be rejected

Reſolved That the Grievance from *Surry* County for taking off the impoſition or [on] Liquors, be rejected

Reſolved That the Grievance from *Surry* County for obliging all Mechañicks to follow One diſtinct trade, be rejected.

Reſolved That neceſſary proviſion be made giving *John Goodale* leave to keep a ferry on ye upper parts of *Chickahomony* River, and

Ordered That the ſame be taken into conſideration when the other alterations about ferryes ſhall be conſider'd.

Reſolved That the petition of Mrs *Mary Rider* deſireing that ye ferryman at *Hog* Iſland be prohibited to Land his paſſengers on her plantation, be rejected.

Reſolved Upon petition of *John Holt* deſiring to be ye ferry keeper at *Hog* Iſland, that ye Law for regulating and Setling ferrys being temporary, and that the preſent ferry keeper having been at great charges and neceſſary proviſions for an Ordinary in complyance with the ſaid Law, It is not convenient to make any proviſion therein at preſent.

Reſolved That *Thomas ffrancis* upon his petition have Liberty of keeping a ferry from his Landing to *Hogg* Iſland

Ordered That the ſame be taken into conſideration when the other alteration about ferrys ſhall be conſider'd.

Reſolved That the petition of *Edward Roſs* for raiſing the rate of the ferry at *James Town* be rejected

Reſolved That the propoſition of *King* and *Queen* County for Setling Rolling houſes be rejected

Reſolved That the propoſition from *Nanſamond* County for making Bridges over the Swamps on the Road to *North Carolina*, and levying the Charge thereof upon ye Pole be rejected

Reſolved That the propoſition from *Nanſamond* County againſt the tranſportation of old Iron be rejected

Reſolved That a Bill be prepar'd to inable the Governr to Coñiſſionate ſo many perſons as he ſhall think fit to adminiſter ye Oaths and Teſt to the *ffrench* Refugees at ye *Manakin* Town, in order to their Naturalization.

Ordered That the Coñittee of propoſitions and Grievances prepare and bring in the ſaid Bill

Reſolved Upon petition of *John Gill Stephen Gill* and *Paul Harralſon* That his Excellcy hath full power and authority to Naturalize the ſaid perſons by vertue of an Act of Aſſembly made in ye year 1680.

Ordered That the petition of Capt *Thomas Mountford* (referr'd the laſt Aſſembly) with the accounts thereto annext, be referr'd to ye Coñittee of publick Claimes.

Ordered That the Claim of Mr *Robert Beverley* (referr'd at ye laſt Aſſembly) for ſeverall Services done at ye Court for examining claims and titles to *Pamunkey* neck Lands for and in behalfe of the *Pamunkey* and *Chickahomony* Indians be referr'd to the Coñittee for Publick Claims.

Ordered That the Grievance from *James City* County (referr'd from the laſt Aſſembly) praying that ſome ſpeedy remedy may be had for prevention of the dayly and frequent preſſing of horſes in and about the City of *Williamſburgh* be referr'd to ye Coñittee of propoſitions and Grievances.

Ordered

Ordered That the meſſage from ye Govern^r^ and Councill (referr'd at ye laſt Aſſembly) recomending to ye Houſe to aſſert her Maj^ties^ Right to ye Quitt rents on ye Eaſterne Shore, and that the bounds between this Colony and that of *Maryland* be aſſertained, be referr'd to ye Comittee of propoſitions and Grievances.

Ordered That ye Quere left upon ye Journall of ye laſt Seſſion whether Mr *Treaſurer* hath taken care to receive the debt due from Mr *Corbin Griffins* Eſtate upon the Impoſition Acts, be referr'd to ye Comittee appointed to inſpect and Examine ye Treaſurers Accounts.

Ordered That ye Obſervation upon ye Journal of ye laſt Seſſion in theſe words.

"It is alſo obſervable that Mr *Treaſurer* has given himſelfe credit for two hundred "Eighty three pounds five Shillings for the Truſtees of ye City of *Williamſburgh* "by Order of Aſſembly, but ſayes he has not paid it all nor has any receipts or "diſcharges for any part paid.

be referred to the Comittee appointed to inſpect and Examine ye Treaſurers Accounts.

Ordered That Cōll *Byrd*'s Lrs, and the other papers relateing to ye Agency (referr'd at ye laſt Seſſion) do ly upon ye table for conſideration.

A Bill reported from ye Comittee of Reviſors of ye lawes, Entituled A Bill concerning the Church Clergy and other parochial Affairs, was read ye firſt time

Reſolved That this Houſe will upon *Tueſday* morning next reſolve itſelfe into a Comittee of ye whole Houſe to conſider of y^e^ ſaid Bill.

Ordered That ye Houſe be call'd over at one a Clock on *Monday* next.

Then the Houſe adjourn'd till Eleven a Clock on *Monday* morning.

Monday 5th *April* 1703

A BILL reported from ye Comittee of Reviſors of the Laws Entituled *An Act for the Effectuall Suppreſſion of Vice and reſtraint and puniſhment of Blaſphemous wicked and diſſolute perſons*, was read the firſt time

Reſolved That this Houſe will upon *Wedneſday* morning next reſolve itſelfe into a Comittee of the whole Houſe to conſider of the ſaid Bill.

The Houſe according to Order of the day was called over

A Bill reported from ye Comittee of Reviſors of ye Lawes Entituled *An Act concerning Marriages*, was read ye firſt time

Reſolved That this Houſe will upon *Wedneſday* morning next reſolve itſelfe into a Comittee of ye whole Houſe to conſider of y^e^ ſaid Bill.

A Bill reported from ye Comitte of Reviſors of ye Lawes Entituled *An Act for Eſtabliſhing the Generall Court, and for regulating and Settling the proceedings therein*, was read ye firſt time

Reſolved That this Houſe will upon *Thurſday* morning next reſolve itſelfe into a Comittee of ye whole Houſe to conſider of y^e^ ſaid Bill.

A Bill reported from ye Comittee of Reviſors of ye Lawes Entituled *An Act for ye better Securing the Liberty of ye Subject*, was read ye firſt time

Reſolved That this Houſe will upon *Thurſday* morning reſolve itſelfe into a Comittee of the whole Houſe to conſider of the ſaid Bill

A Bill reported from ye Comittee of Reviſors of ye Lawes Entituled, *an Act for Eſtabliſhing the County Courts, for regulating and Settling the proceedings therein, and directing the manner of granting probates of Wills, and Adminiſtration of Inteſtates Eſtates*, was read the firſt time.

Reſolved That this Houſe will upon *ffriday* morning next Reſolve itſelfe into a Comittee of ye whole Houſe to conſider of y^e^ ſaid Bill.

A meſſage from his Excellency by Mr *Robertſon*

*M^r^* Speaker & *Gen^n^ of ye Houſe of Burgeſſes*

If you now go upon ye Reviſall of ye Lawes I recomend to you to appoint a Comittee of your Houſe to joyn with a Comittee of her Maj^ties^ Honble Councill to conſider of

of ye beſt methods for carrying on the buſineſs of ye Aſſembly and Generall Court with the greateſt Eaſe and convenience

April 5th 1703. *ffr: Nicholſon*

Reſolved That the Houſe doth agree to appoint a Coñittee according to the ſaid meſſage.

Ordered That ye following meſſage be ſent to his Excell^cy^.

*May it pleaſe Yo^r^ Excell^cy^*

In anſwer to Yo^r^ Excell^cys^ meſſage of this day the houſe of Burgeſſes take leave to acquaint you that on *ffriday* laſt, upon conſideration of your Excell^cys^ Speech they came to a reſolution to proceed upon the Reviſall of ye Lawes this Seſſion, That purſuant to y^e^ ſaid Reſolution, they begun and read a Bill on *Saturday*, and are now going on

That this Houſe doth agree to your Excell^cys^ propoſition to joyn in a Coñittee with ye Councill to conſider the beſt method for carrying on ye buſineſs of ye Aſſembly and Generall Court with the greateſt Eaſe and convenience, and will name ye perſons as ſoon as ye Councill are pleas'd to ſignify to ye Houſe ye number they deſign for that Coñittee

Ordered That Mr *Leigh* and ye reſt of ye Coñittee of propoſitions and Grievances carry y^e^ ſaid meſſage, & being returned Mr *Leigh* acquainted ye Houſe that they had waited on his Excell^cy^ and deliver'd y^e^ ſaid meſſage.

Then ye Houſe adjourn'd till nine a Clock to morrow morning

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Tueſday 6th *April* 1703.

ORDERED That Mr *William Robinſon* have leave to bring in a propoſition which he ſuppoſes will come under the head of ye Bill concerning the Church Clergy and other parochiall Affairs

Mr *William Robinſon* (according to leave given him) preſented his propoſition for dividing ye pariſh of *Sittingburn* in *Richmond* and *Eſſex* Countyes, which being read.

Ordered That the conſideration of y^e^ ſaid propoſition be referr'd to ye Coñittee of ye whole Houſe appointed for conſideration of ye Bill Entituled a Bill concerning the Church Clergy and parochial affairs.

The Houſe, according to order of ye day, reſolv'd itſelfe into a Coñittee of ye whole Houſe to conſider ye Bill concerning ye Church Clergy and other parochial Affairs, and after ſome time ſpent therein Mr *Speaker* reſum'd ye Chair and Mr *Randolph* reported from y^e^ ſaid Coñittee, that they had made ſome progreſs in ye matter to them Referr'd, and had directed him to move, that they may have leave to ſitt again

Reſolved That this Houſe will at one a Clock reſolve itſelfe into a Coñittee of ye whole Houſe, to conſider further of the Bill concerning the Church Clergy and other parochial Affairs.

A meſſage from his Excellency by Mr *Robertſon*

Mr *Speaker*

His Excell^cy^ Coñands the iñediate attendance of this Houſe upon him in the Councill Chamber

Accordingly Mr *Speaker* with the Houſe went to attend his Excell^cy^ and being returned

Mr *Speaker* Reported that his Excell^cy^ was pleas'd to make a Speech to ye Houſe, and that becauſe his Excell^cy^ had given him a Copy he would not truſt his memory, but read it as it ſtands in ye Copy, and is as followeth

*M^r^* Speaker *& Gen^ll^ of ye Houſe of Burgeſſes*

I pray God Almighty direct us in this great Affair of reviſing the Lawes of this her Maj^tys^ moſt ancient and great Colony and Dominion of *Virg^a^* and I am heartily glad that you have already begun to read ſome of ye Bills, and I do moſt cordially

and

and earneſtly recomend to you to go through with them, but withall that you take care that all his late Majtie (of glorious memory) his inſtructions which I laid before your Houſe, as likewiſe ye Orders of ye Right Honble ye Lords Comiſſioners of Trade & plantations, with ſeverall propoſitions from myſelfe and her Majties Honble Councill, and what hath been recomended by us, and referr'd by yor Houſe to ye Comittee appointed to reviſe ye Lawes be now effectually provided for by ye ſaid Lawes; As likewiſe ſuch a body of ye Laws as ye Right Honble ye Lords Comiſſioners for trade by their Letter of the fourth of *November* laſt are pleas'd to require be provided to be ſent to their Lordſhips

Genth

I cannot but with ye ſame earneſtneſs recomend to you that ſeverall of ye pariſhes be better regulated both in reſpect of the number of Tithables and of the Inconveniency of their being divided by rivers unfordable Creeks of great length; And the ſame of ſome Countyes particularly in this Neck; ffor I hope in God we ſhall all agree in making pariſhes and Countyes as convenient and eaſy, and with as little trouble and Charge to ye Inhabitants as poſſible. One principle way of accompliſhing it I ſuppoſe will be by making them Square, for at preſent in ſome Countyes ye people are forc'd to go twenty or thirty miles to Muſters, and Courts, whereas they need not go above half ſo farr

If you agree upon dividing this Neck into Squares, (which I hope you will) you may in One thing ſhow your Loyalty and reſpect to her moſt Sacred Majtie by calling ye County in which this place is, after her Royal Name. I propoſe that where 'tis poſſible no County be leſs than Eight hundred Tithables and noe pariſh than four hundred.

Gentln

I herewith give ye Honble Mr *Speaker* ye Copy of a letter from ye Right Honble ye Lords Comiſſionrs for trade and plantations to his late Excellcy Cõll *Blackſton* Governr of *Maryland*, and her Majties Councill there, concerning an Act for ye Eſtabliſhment of Religious Worſhip in that province and for the maintenance of Miniſters together with a Copy of ye ſaid Act itſelfe, which Copy I had from Governr *Blackiſton*

That this Seſſion may end well in all reſpects are ye moſt Earneſt and hearty wiſhes hopes and prayers to ye divine providence, of

April 6th 1703. *ffr Nicholſon*

A meſſage from the Councill by Mr *Robertſon*

Mr *Speaker*

I am commanded by her Majties Honble Councill to acquaint this Houſe that ye Councill have appointed three of their Members to be of ye Comittee with ſuch members of this Houſe as ſhall be appointed to Joyn with them to conſider of ye beſt methods for carrying on ye buſineſs of ye Aſſembly and Generall Court with the greateſt Eaſe and convenience

A Comittee to Joyn with ye Councill according to the ſaid meſſage.

Mr *Cary*.....Mr *Ballard*
Mr *Harriſon*.....Mr *Leigh*
Mr *A. Armiſtead*.....Mr *Wynn*.

Ordered That ye Comittees acquaint ye Councill of the appointment of the ſaid Comittee, and that they are ready to atend at ſuch time and place as ye Councill ſhall think fit.

Reſolved That it be an inſtruction to ye ſaid Comittee to propoſe to ye Councill that ye Houſe may have leave to adjourn till ſuch eonvenient time as they ſhall think fit, after ye Generall Court

The Houſe according to order, reſolved itſelf into a Comittee of ye whole Houſe to conſider further of ye Bill concerning ye Church Clergy and other parochiall affairs, and after ſome time ſpent therein Mr *Speaker* reſum'd the Chair & Mr *Randolph* reported from

from y^e^ ſaid Coñittee that they had made a further progreſs in ye matter to them referr'd and had directed him to move that they may have leave to Sit again.

Reſolved That this Houſe will to morrow morning Reſolve itſelfe into a Coñittee of ye whole Houſe to conſider further of the ſaid Bill, before the other buſineſs of ye day.

His Excell^cys^ Speech made this day to ye Houſe, and ye papers thereto relating being read at ye table.

Ordered That ye Conſideration thereof be referr'd to ye Coñittee of ye whole Houſe for conſideration of ye bill concerning the Church Clergy and other parochial affairs.

Then ye Houſe adjourn'd till to morrow morning nine a Clock.

Wedneſday 7° April 1703.

MR. *Cary* from ye Coñittee appointed to joyn with ye Councill to conſider of ye beſt method for carrying on the buſineſs of ye Aſſembly and Generall Court with the greateſt eaſe and conveniency, Reported that they had moved to ye Councill ye Inſtruction given them, that this houſe may have leave to adjourn till ſuch convenient time as they ſhall think fit after ye Generall Court, and that ye Councill had given this Anſwer, *vizt*, That they had no inſtruction relating to that matter nor do they beleive it ever was thought of by ye Councill; That it lies purely in ye power of ye Govern^r^ and that therefore they cannot agree to y^e^ ſaid propoſition.

Reſolved That application be made to his Excell^cy^ for leave for the Houſe to adjourn till a Convenient time after ye Generall Court.

Ordered That it be referr'd to Mr *Benj^a^ Harriſon* Mr *Marable* & Mr *Gwyn* to prepare and bring in an Addreſs according to the ſaid Reſolve

A meſſage from the Councill by Mr *Robertſon*

By ye Councill

*M^r^* Speaker *& Gen^ll^ of ye Houſe of Burgeſſes*

In anſwer to yor meſſage of *ffriday* laſt adhering to yor reſolve of denying the Councill a Conference upon ye Subject matter of your firſt Reſolve concerning ye inability of this Countrey to comply with her Maj^ties^ Letter in giveing a Supply of nine hundred pounds to *New York* untill they have concurr'd or diſagreed to y^e^ ſaid Reſolve.

The Councill cannot but be concern'd to obſerve that all their indeavours to come to a good underſtanding with your Houſe by ye uſuall way of Conferences on this Subject prove ſo ineffectuall: Eſpecially when after ye moſt mature deliberation concerning ye nature of that firſt reſolve they cannot yet be ſenſible that it was proper for them to interpoſe in any other manner; being well ſatisfied that a Reſolve of your Houſe concerning ye denyall of a Supply, is not in ye nature of other bills ſent up to ye Councill for their Concurrence or diſagreement, nor within ye reaſon of any of ye Caſes mention'd in yor meſſage: but a matter of that nature which if once overthrown in your Houſe is no otherwiſe to be retrieved by ye Councill than by ye uſuall method of conferences

Had ye Houſe of Burgeſſes granted ye money as they have denyed it, the Councill confeſſes it would have been proper to have inſiſted on their concurrence to ſuch a Grant, but to deſire their concurrence or diſagreement to a deniall of a money grant, they judge to be altogether unuſual and unprecedential. And therefore being unwilling to ſtep out of their Owne province after your Houſe had ſo peremptorily tied up their hands by their poſitive denials, they have hitherto inſiſted on a Conference at which by conſidering the reaſons of ye ability and inability of ye Countrey, they might have come to a mutuall good underſtanding, and ſo have proceeded to joyn with you in ſome Coñon method to ſatisfy her Maj^tie^ in this matter, but upon your repeated denials to meet them in ye way of conferences, they are now at a Stand how to proceed any further.

By Order of ye Honble Councill
Wil Robertſon Cl Geñl Aſſ^bly^

April the 7th 1703

Reſolved

Refolved Nemine Contradicente

That it is abſolutely neceſſary to make a repreſentation to her Majᵗⁱᵉ of the inability of this Country to Comply with her Majᵗⁱᵉˢ Comands in contributeing the ſume of Nine hundred pounds required for *New York.*

Refolved Nemine Contradicente

That this Houſe will in due time proceed to yᵉ Conſideration of a Suitable method to make ſuch repreſentation

Mʳ *Harriſon* from yᵉ Comittee appointed to prepare and bring in an Addreſs to his Excellᶜʸ for leave for yᵉ Houſe to adjourn till a convenient time after the Generall Court Reported that they had prepar'd the ſame accordingly, and directed him to report the ſame to the Houſe which he read in his place and afterwards deliver'd in at yᵉ Table where the ſame was read and agreed unto by yᵉ Houſe. And is in theſe words

To his Excellency ffrancis Nicholſon *Eſqʳ her Majᵗⁱᵉˢ Lieuᵗ and Governoʳ Generall of* Virginia

May it pleaſe yoʳ Excellᶜʸ

Wee her Majᵗⁱᵉˢ Loyal and Dutyfull Subjects yᵉ Houſe of Burgeſſes in this preſent Geñᴵˡ Aſſembly Conven'd, do moſt humbly repreſent to yoʳ Excellᶜʸ that having taken into our Conſideration yoʳ ſeverall Speeches to us this Seſſion, and having made ſome progreſs therein, we apprehend Ourſelves lyable to many difficulties, which will be likely to hinder our proceedings with that chearfulneſs & Expedition that otherwiſe we might do;

To Omit many other weighty Conſiderations, we preſume to mention to yoʳ Excellᶜʸ, that wee are juſt now proceeding upon yᵉ Reviſall of yᵉ Lawes, and in proſecution thereof ſhall often have occaſion to addreſs to, & Conference with yᵉ Councill which we conceive cannot ſo conveniently be had, as otherwiſe might be, becauſe their Honʳˢ will neceſſarily be diverted therefrom by their attending yᵉ Generall Court, and conſequently yᵉ delay that muſt enſue thereupon, will be very Chargeable & burthenſome to yᵉ Countrey.

Nor is this yᵉ only inconveniency that we ſhall be expoſed to by reaſon of yᵉ Generall Court, for there being but few Houſes in Town, we are already ſome of us obliged to have Lodgeings at a great diſtance from buſineſs, and yᵉ Entertainment we find already is but very Ordinary, ſo that when the Town ſhall be Crowded with people whoſe occaſions oblige them to attend yᵉ Generall Court, it will be with great difficulty & uneaſineſs (if not altogether impoſſible) that we ſhall be able to procure a neceſſary Subſiſtance for our money

And moreover we preſume to acquaint yoʳ Excellᶜʸ that yᵉ late unexpected arrivall of ſeverall Ships from *England*, will prove very prejudiciall to many of our perſonal Intereſts, if we be oblig'd to attend yᵉ Aſſembly without any regard had to our private concernes.

And ſince at preſent we are not appris'd of any neceſſity of our continuing together at this time, Therefore we moſt humbly pray yoʳ Excellᶜʸˢ leave, that wee may adjourn Ourſelves, till ſome ſuch Convenient time after the Generall Court as wee ſhall agree upon; when we may meet again and proceed without any interruption or inconveniency to finiſh that great work wee are now begiñing

7ᵗʰ *April* 1703

Refolved That yᵉ ſaid Addreſs be ſigned by Mʳ *Speaker* and preſented to his Excellency by the whole Houſe.

The Houſe according to Order of yᵉ day, Reſolved itſelf into a Comittee of yᵉ whole Houſe to conſider yᵉ Bill concerning the Church Clergy and other parochial affairs, and the ſeverall matters thereto relateing, The Bill for yᵉ effectuall Suppreſſion of Vice, and reſtraint and puniſhment of Blaſphemous wicked and diſſolute, perſons, and the Bill concerning Marriages and after ſome time ſpent therein Mʳ *Speaker* reſum'd yᵉ Chair, & Mʳ *Randolph* Reported from yᵉ ſaid Comittee that they had made ſome progreſs in the matters to them referr'd, and had directed him to move that they may have leave to Sit again

Refolved

Reſolved That this Houſe will to morrow morning reſolve itſelf into a Coñittee of the whole Houſe to conſider further of the ſaid Bills and matters to them relating

Ordered That Mr *Benjn Harriſon* Mr *Marrable* Mr *Gwyn* Mr *Hoe* Mr *Ball* Mr *Wm Robinſon* Mr *Jenkins* Mr *Haney* Mr *Morſe* & Mr *Boughan* wait on his Excellency to know his pleaſure when he will be Attended by this Houſe, and being return'd; Mr *Harriſon* acquainted the Houſe that his Excellcy was pleas'd to ſay now preſently if the Houſe thought fit.

Accordingly ye Houſe went to Attend his Excellcy, and being return'd Mr *Speaker* reported, that the Houſe had waited upon his Excellcy with their Addreſs, and that his Excellcy was pleas'd to ſay that he would conſider the Addreſs and let us have an anſwer to morrow morning, and that he did recoñend to us to let him know what we had already done, for till then he ſaid that we could not think it reaſonable that we ſhould expect a receſs

Ordered That it be referred to ye Coñittee of propoſitions and Grievances to prepare and bring in an Addreſs to his Excellcy ſignifying ye ſeverall reſolves of ye Houſe upon his Excellcys Speeches this Seſſion

Then ye Houſe Adjourned till to morrow morning nine a Clock

Thurſday. 8th *April* 1703.

MR. *Leigh* from ye Coñittee of propoſitions and Grievances Reported that (according to Order) they had prepar'd an Addreſs to his Excellcy ſignifying ye ſeverall reſolves and proceedings of this Houſe upon his Excys Speeches this Seſſion, and directed him to report, which he read in his place, & then deliver'd in at ye table, where being again read, ye ſame (with one ſmall Alteration) was agreed to by ye Houſe, and is as follows

To his Excellency ffrancis Nicholſon *Eſqr her Majties Lieut and Governor Generall of* Virginia

May it pleaſe yor Excy

Wee her Majties Loyal and dutyfull Subjects ye Burgeſſes now Aſſembled have taken into our Serious conſideracon yor Excellcys Speeches to this Houſe this Seſſion humbly take leave to repreſent to yor Excellcy our Severall Reſolutions and proceedings thereupon

What yor Excellcy was pleas'd to recoñend to us concerning a publick Thanksgiving for ye great and glorious Succeſſes of her Majties Armes againſt her Enemy's we have already anſwer'd, both by our ready and hearty Concurrence to ye appointing, & by our Religious & Loyal Solemnizing, of that day.

As to her Majties Royal Coñands relating to an Aſſiſtance of money and men to be given to *New York*, & mentioned in yor Excellcys Speech, wee have come to ye ſeverall unanimous reſolutions following, That ye Countrey is not of ability to comply with her Majties Comands in contributing ye ſuñe of Nine hundred pounds requir'd for *New York*

That the ffforts already Erected on ye ffrontiers of *New York* are no Security to this Colony, and that notwithſtanding ye ſame, ye Enemy may and frequently doth come upon our ffrontiers, and comit Murders, and other miſcheifs; That ye building of more ffforts upon ye ffrontiers of *New York* will not any ways avail to ye Security & defence of this Colony, for that an Enemy may annoy or invade ye ſame, and not come within an hundred miles of any ffort yt can be built within ye province of *New York*.

That ſending ye Quota of men to the province of *New York* according to her Majties Coñands will be prejudicial to her Majties Intereſt at home and endanger ye ſafety of this Colony.

That it is not probable any men can be ſent from this Colony ſoon enough to be ſerviceable to ye province of *New York* upon an Invaſion; that by reaſon of ye preſent publick

publick ingagemts and ſuch neceſſary proviſions as ye defence and ſecurity of this Colony will from time to time require, we ſhall not be able to furniſh ye province of *New York* with money in lieu of men.

That it is abſolutely neceſſary to make a repreſentation to her Majtie of ye Circumſtances of this Countrys inability to furniſh men and money to *New York*, and of ye true ſtate of ye Caſe between this Government and that.

And thereupon we preſume to aſſure yor Excellcy that it is a great affliction to us that ye poverty and neceſſity of ye Countrey makes us incapable of performing what her Majtie hath been pleaſed to require of us; and ſince our not complying doth not proceed from any diſloyalty to [or] undutifulneſs to her Majtie or diſreſpect to yor Excellcy, but purely by reaſon of ye diſability of ye Countrey, and the true ſence we have of ye Generall diſſatisfaction of ye people in that affair, therefore we humbly hope it will not be inſiſted on.

That the Conſideration of that part of yor Excellcys ſecond ſpeech which relates to ye giveing a Servant a Gun at his ffreedome be referr'd till ye Bill in ye Reviſall concerning the Militia, or ye Bill concerning Servants be taken into conſideration.

Upon Conſideration of ye Petition concerning a Burgeſs for *James City*, wee have reſolved not to make application for a Writt for Election of a Burgeſs for that place.

As to them [the] part of yor Excellcys Speech relating to ye Reviſall of ye Lawes wee have already laid our proceedings therein before yor Excellcy.

Thus we have acquainted yor Excellcy with our Reſolves and proceedings upon conſideration of ye ſeverall matters before mentioned, which you have been pleas'd to recomend to us, All which wee preſume to lay before yor Excellcy, and humbly pray yor favourable acceptance and Candid conſtruction thereof.

April 8th 1703.

Reſolved That the ſaid Addreſs be preſented to his Excellency by the whole Houſe

Ordered That ſuch members as prepar'd the ſaid Addreſs wait upon his Excellcy humbly to know his pleaſure when he will be attended by the Houſe.

Mr *Randolph* from ye Comittee appointed to prepare and bring in a Bill to prevent Inhabitants of this Country from entertaining or harbouring any Indians or imploying them to hunt on any Land belonging to ye Inhabitants, preſented a Bill accordingly

Ordered That ye ſaid Bill ly upon the Table.

Mr *Leigh* from ye members appointed humbly to know his Excellencys pleaſure when he will be attended by the Houſe, reported that his Excellcy was pleas'd to ſay, Now if they pleas'd.

Accordingly the Houſe went to attend his Excellcy with the Addreſs, and being return'd Mr *Speaker* reported that his Excellcy was pleas'd thereupon to ſay to this Effect

Gentln

as to ye Addreſs which you gave me yeſterday I have laid it before her Majties Councill, and they have come to ſome Reſolves therein, which I ſhall ſend you, and as to this which you have given me now, I ſhall do ye like, and if any further occaſion, I ſhall ſend to you.

Reſolved That ye State of the Caſe between this Government and *New York*, be repreſented to her Majtie by way of Addreſs

Ordered That it be referr'd to

Mr *Leigh* ..... Mr *Ranſone*
Mr *Cary* ..... Mr *Bland*
Mr *Randolph* ..... Mr *Barbar* &
Mr *B. Harriſon* ..... Mr *Tully Robinſon*

to prepare and bring in an Addreſs accordingly

A meſſage from his Excellency by Mr *Robertſon*

Mr Speaker *& Gentln of ye Houſe of Burgeſſes*

The Ordinance of Aſſembly for the defence of the Country being only in force till the then next Seſſion, I recomend to your conſideration, if it is neceſſary at this time to renew it.

I think it is the Duty of all her Majtles good and Loyal Subjects to expreſs a Senſible joy for the great and glorious Succeſſes of her Majties Armes by Sea and Land, and I recomend to you to prepare a Suitable Addreſs to her Majtie on this great occaſion *April* 8th 1703.

ffr Nicholſon

Ordered That the ſaid Meſſage and papers thereto relating lye upon the table for Conſideration to morrow morning.

Reſolved That this Houſe will upon *Monday* morning reſolve itſelf into a Comittee of the whole Houſe to conſider further the Bill concerning the Church Clergy and other parochial affairs, and to conſider the bill for the Effectuall ſuppreſſion of Vice, and reſtraint and puniſhment of Blaſphemous Wicked and diſſolute perſons, the Bill concerning Marriages, the Bill for Eſtabliſhing the Generall Court and for regulating and Settling the proceedings therein, and the Bill for better ſecureing the Liberty of the Subject.

Then the Houſe adjourn'd till nine a Clock to morrow morning.

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ffriday. 9th *April* 1703

RESOLVED That this Houſe will upon *Monday* morning next reſolve itſelf into a Comittee of ye whole Houſe to conſider the Bill for eſtabliſhing the County Courts, for regulating and ſettling the proceedings therein and directing ye manner of granting probates of Wills, and Adminiſtracon of Inteſtates Eſtates.

A Bill to prevent Indians being harboured entertained or imployed to hunt on the Land belonging to the *Engliſh* in ye Countys of *Henrico* and *Charles City*, was read ye firſt time, and Order'd a Second Reading.

A meſſage from ye Councill by Mr *Robertſon* bringing in ye Report of ye Comittee of Councill and Burgeſſes appointed to inſpect the building of the Capitoll and priſon agreed to with ſome Amendments by the Councill was read and agreed to by the Houſe of Burgeſſes, as follows.

Agreed That the Overſeer of the works of ye Capitoll and priſon take care and ſee that the ſame be forthwith done and finiſhed according to the following directions (*vizt.*)

That the ffootſteps of the Generall Court houſe be rais'd two feet from the ffloor, and the ſeats or benches Whereon the Court is to ſit rais'd a convenient highth above that.

That the Circular part thereof be rais'd from the Seat up to the Windows.

That there be a Seat rais'd one Step above ye Bench in the middle of the Circular end of ye Court made Chairwiſe

That the Queens Arm's be provided to Set over it

That the reſt of ye Court be fitted with a table for the Clerk and ſuch Barrs and benches as ſhall be found requiſite and neceſſary.

That there be two Galeries made one at the Lower end of the Room, and the other on the Eaſt ſide.

That the fitting and furniſhing the room appropriated for the Secretaries Office with partitions boxes &c for keeping and preſerving the records thereto belonging be left to the direction of Mr *Secretary*.

That there be provided to be ſet in ye Councill Chamber one Oval table fourteen foot long and ſix foot broad with two doz: arm'd Cain Chairs, one larger ditto, twenty five green Cuſhions for ye ſaid Chairs ſtuft with hair, and a large *Turky* work Carpet for ye table

That ye Room appropriated for ye Councill Office be fitted and furniſhed with boxes or preſſes for preſerving and keeping ye Records and papers thereto belonging according to ye direction of the Clerk of ye Councill.

That

That ye Barr of ye Burgeſſes room be Set off even with the Jamns of the Wall next the door.

That that part of the ffloor without ye Barr and from ye ffootſteps w^th^in be pav'd with Stone, and from ye Barr to the Setting off of ye Circle on each ſide of the Houſe a platform a foot from ye ffloor four foot and a half broad with a Seat next ye Wall of a Suteable highth, and the Wall to be wainſcotted three foot above that, and one other Seat within the Barr round ye room of a Suitable hight above ye ffloor, and that a break to paſs through next the barr, and in the middle of ye Lower Side Seats, be left open, and that the Queens Arm's be provided to be Set up in the Aſſembly room.

That the back part of that Seat within the Circle be wainſcotted three foot high on ye wall above the Seat, and the lower Seat without the Circle two foot above that.

That ye Circular end be raiſed one ſtep above the outward ffloor and laid with plank.

That the room be furniſhed with a large Armed Chair for ye Speaker to ſit in, and a cuſhion ſtuſt with hair Suitable to it, and a table eight foot long and five foot broad.

That ye room appropriated for the Aſſembly Office be fitted and furniſhed with boxes &c for keeping and preſerving the records and papers thereto belonging and according to ye direction of ye Clerk of the Houſe of Burgeſſes

That the room over the Burgeſſes room be divided by a partition wall to be Studded lathed and plaiſter'd.

That the room over the Clerk of ye Houſe of Burgeſſes office be furniſhed with a long ſquare table Eight foot long and four foot broad

That the Conference room be furniſhed with an Oval table fourteen foot long and Six foot broad

That the two rooms over the Burgeſſes room be furniſhed with three Oval tables each nine foot long and Six foot broad.

That a ſufficient quantity of green Cloth be provided to make Carpets off for all the tables.

That Seven doz: of *Ruſſia* Leather Chairs be provided for furniſhing the rooms above-ſtairs, and one doz: of large high braſs Candleſticks one doz: of fflatt ditto one doz pe braſs ſnuffers & half a doz: ſnuffdiſhes, four doz: large ſtrong braſs ſconces.

That all the Seats in ye Generall Court and Aſſembly room be cover'd with Green Serge and Stuſt with hair, and that there be provided Serge hair red tape and braſs burniſhed nails ſufficient for doing the ſame (to wit) One hundred yards of three y^rs^ wide green Serge, twelve peices of fine narrow red tape five thouſand braſs burniſhed nailes and Seventy yards of ſtrong green cloth for carpets

That ye roomes in ye rooſe of ye building not being yet appropriated to any particular uſe, the ffurniſhing the ſame be referr'd till there ſhall be occaſion of them.

That the records and papers in ye Secretaries Office remain where they now are till ye place in ye Capitoll, appropriated for ye Secretaries Office be ffurniſhed and made ſufficient to ſecure them from danger.

That *John Redwood* is ye moſt fit perſon of the ſeverall petitioners to be imployed to look after and take care of the Capitol & ye furniture and to be Goaler of ye Country priſon when they ſhall be ffiniſhed.

That thirty pounds ℔ annu be the allowance given to thoſe that ſhall hereafter be imployed therein, firſt Entering into Bond with good ſecurity for ye due and faithfull performance of what ſhall be thought reaſonable to enjoyn and oblige them to

That the Comittee appointed to Reviſe the Lawes to whom ye inſpecting the Capitol was referr'd having finiſhed the ſaid Reviſall, That fit perſons be nominated and appointed to inſpect the ſaid buildings till they be finiſhed, and to receive all Accounts of diſburſements, and order the money for that uſe; And that the ſaid perſons ſo appointed meet at the ſaid Capitol as often as ſhall be directed, or neceſſity ſhall require.

Then a motion being made that foraſmuch as the Reviſall is finiſhed, the Comittee and Officers concern'd therein be paid.

Reſolved

Reſolved That foraſmuch as ye Reviſal of ye Lawes is finiſhed and reported by that Coñittee, the payments become due to the Clerk and Aſſiſtants upon a former Ordinance of Aſſembly be made accordingly (*vizt.*)

Ordered That Mr *Peter Beverley* be paid fifty pounds *Steŕl* for his ſervices done as Clerk of ye Coñittee for Reviſal of ye Lawes.

Ordered That Mr *Peter Beverley* be paid ninety pounds *Steŕl* for his ſervices done relating to his third part of ye Reviſed Lawes.

Ordered That Mr *Benjamin Harriſon* be paid Ninety pounds *Steŕl* for his ſervices done relating to his third part of the Reviſed Lawes.

Ordered That Mr *Robert Beverley* be paid ninety pounds *Steŕl* for his Services done relating to his third part of ye Reviſed Lawes.

Reſolved That it is convenient that the members of ye Coñittee for reviſal of ye Laws and Officers be now paid what is due for their reſpective Attendance according to former allowance (*vizt.*)

Ordered That *Edmund Jenings* Eſq^r^ for fourty Six dayes attendance at the Coñittee for Reviſal of the Laws, and in going to and returning from thence be allowed twenty-nine pounds Eighteen Shillings

Ordered That *Matthew Page* Eſq^r^ for twenty Seven dayes ſpent in attendance at ye Comittee for reviſal of ye Laws, and in going to and returning from thence be allowed Seventeen pounds Eleven ſhillings

Ordered That *Benj^a^ Harriſon* Eſq^r^ for two and twenty dayes ſpent in attendance at ye Coñittee for Reviſall of ye Lawes, and in going to and returning from thence be allowed fourteen pounds Six Shillings:

Ordered That Mr *Miles Cary* for thirty nine dayes ſpent in Attendance at ye Coñittee for Reviſall of ye Lawes, and in going to and returning from thence be allowed twenty five pounds Seven Shillings

Ordered That Mr *Robert Beverley* for fourty one dayes ſpent in Attendance at ye Coñittee for reviſall of ye Laws, and in going to and returning from thence be allowed twenty Six pounds thirteen ſhillings

Ordered That Mr *Anthony Armiſtead* for thirty three dayes ſpent in attendance at ye Coñittee for reviſall of ye Laws, and in going to and returning from thence, be allowed twenty one pounds Nine ſhillings

Ordered That *Henry Duke* Eſq^r^ for two and twenty dayes ſpent in Attendance at ye Coñittee for reviſall of ye Laws, and in going to and returning from thence, be allowed ffourteen pounds Six Shillings

Ordered That M^r^ *Wm Buckner* for fourty three dayes Spent in Attendance at the Coñittee for Reviſall of the Lawes, and in going to and returning from thence be allowed twenty Seven pounds Nineteen Shillings

Ordered That Mr *Peter Beverley* for Sixty one dayes ſpent in Attendance at the Coñittee for Reviſall of the Lawes, and in going to and returning from thence, be allowed thirty nine pounds thirteen Shillings

Ordered That Mr *Benj^a^ Harriſon* for fourty three dayes ſpent in attendance at the Coñittee for Reviſall of the Laws, and in going to and returning from thence, be allowed twenty ſeven pounds nineteen Shillings.

Ordered That Mr *Thomas Ballard* for Seven dayes ſpent in Attendance at the Coñittee for Reviſall of the Lawes, and in going to and returning from thence be allowed ffour pounds Eleven ſhillings

Ordered That *John Remington* be allowed for his Attendance at the Coñittee for Reviſall of ye Lawes as a door keeper Seven pounds ten ſhillings

Ordered That Mr *Cary* and the reſt of the Coñittee for publick Claims wait on the Councill and deſire their concurrence to the aforeſaid payments. And being return'd Mr *Cary* reported that he had carried ye Reſolves and Orders aforeſaid to the Councill and deſir'd their concurrence.

Mr *Cary* from the Coñittee of publick Claims reported that the ſaid Coñittee had taken into conſideration the Severall matters of Claim to them referred and had agreed upon

upon divers refolutions therein, which as ufuall they had entered into one book call'd a book of Reports of the Coñittee for publick Claims, and had directed him to report the ſaid book to the Houſe, and thereupon the ſaid book of reports being preſented and a debate ariſing.

The Queſtion was put

That the Houſe forthwith proceed to the conſideration of the book of Claims

It paſt in the Negative

The Houſe according to Order took into conſideration his Excellencys meſſage of Yeſterday, and thereupon

Reſolved That it is the Opinion of this Houſe that the Ordinance made the laſt Seſſion of Aſſembly for defence of ye Country in time of danger is a ſufficient proviſion for the defence of this Country on any ſuch occaſion untill there ſhall be a Seſſion of Aſſembly.

Ordered That it be an inſtruction to ye Coñittee appointed to prepare the Addreſs to her Maj^tie^ to inſert a Clauſe in the ſaid Addreſs to expreſs our Senſible joy for the great and glorious Succeſſes of her Maj^ties^ Armes by Sea and Land.

A meſſage from his Excellency by Mr *Robertſon*

*M^r^* Speaker *and Gen^t^ of ye Houſe of Burgeſſes*

Having formerly recoñended to you that part of their Lords Coñiſſioners for trade their Letter to me dated the fourth of *November* laſt relating to ye incourageing the Natives and Colledge, and alſo concerning my going to *New York*, and the Collection of the Laws now in force, which their Lord^ps^ are pleas'd to deſire. and not finding by your Addreſs that you have made any reſolves thereon, I do therefore again recoñend thoſe matters to your conſideration

Aprill 9th 1703 *ffr Nicholſon.*

Reſolved That it is the Opinion of this Houſe not to concern themſelves with the Colledge Accounts

Reſolved That when the Reviſall of the Laws is proceeded in will be a convenient time to take into Conſideration the Settling Suitable Salaries and fees to ye repſective Officers for the incouragement of the Natives of this Country.

Reſolved That this Houſe hath nothing to recoñend to his Excellency upon his going to *New York*.

Reſolved That it is the Opinion of this Houſe That the Lords Coñiſſion^rs^ for trade do not mean that this Houſe ſhall provide a Copy of the Laws in force to be ſent to them, but Expect it from his Excellen^cy^, and that his Excellency may do it without the Houſe being concern'd therein.

Ordered That a Copy of the ſaid reſolves be ſent to his Excell^cy^ as an anſwer to his ſaid meſſage, and that Mr *Cary* and ye reſt of the Coñittee of publick Claims carry the ſaid meſſage, and been return'd acquainted the Houſe that they had performed the ſame.[1]

Ordered That M^r^ *Wm Randolph* late Clerk of the Houſe of Burgeſſes deliver to Mr *Robert Beverley* the preſent Clerk, the records Rolls and papers belonging to that Office

Mr *Leigh* reported that the Coñittee to whom it was referr'd to prepare an humble Addreſs to be preſented to her Maj^tie^, that they had prepar'd the ſame accordingly, and had directed him to report it to the Houſe, which he read in his place, and afterwards deliver'd in at the table, where the ſame was read and agreed unto by ye Houſe, and is as follows.

To the Queens moſt Excellent Majeſty.

The humble Addreſs of the Houſe of Burgeſſes of Your Maj^ties^ Colony and Dominion of Virginia

May it pleaſe Yo^r^ Majeſtie

As the great and wonderfull Succeſſes of the Arm's of Yo^r^ Majeſtie, and Your Allies againſt the Enemies of your Majeſty, Your people, and the true and holy Proteſtant

[1] The copy here is evidently defective. The ſenſe, however, is clear enough.

tant Religion, have rendered the begiñing of Your Majeſties Reign proſperous and glorious to your Royal ſelf and yor people, ſo muſt the hearts of all yor Majeſties faithfull Subjects be full charged with gratitude to the Divine Providence for thoſe Signal bleſſings vouchſafed to yor Majeſty and for the happy influences of yor moſt gracious Reign, therefore we your Majeſties moſt dutifull and Loyal Subjects the Burgeſſes in the Generall Aſſembly of your Colony and Dominion of *Virginia* convened do moſt humbly preſume to congratulate Your Majeſty upon this Occaſion, and to repreſent to your Majeſtie our moſt dutifull and fervent Zeale for the Service of your Sacred perſon and Government.

We are very Senſible of the happineſs that we and all your Majeſties Subjects enjoy under your Royal Protection and we hope that none of Your good Subjects will ever fail of making Suteable Returns of their Duty and Obedience.

And for ourſelves we do moſt humbly Aſſure Your Majeſty that wee will upon all Occaſions Signalize our fidelity and Loyalty to your Majeſtie as farr as our poor circumſtances will Enable us to do it.

But ſince the benign Influences of Mercy and Compaſſion, do farr Excell the glorious Luſtre of the greateſt Military Atcheivments and ſince your Majeſty is not only our powerfull Defender againſt foreign Enemies but our merciſull deliverer from all other Misfortunes, therefore we humbly hope that Your Majeſty will be graciouſly pleas'd to pardon us, when by reaſon of our poverty and neceſſity we ſhall not be capable of performing ſuch Actions as might beſt teſtefy the Sincere and zealous Loyalty of our hearts.

His Excellency *ffrancis Nicholſon* Eſqr your Majties Lieut and Governr Generall of this your Colony and Dominion of *Virginia* having laid before us your Majeſties Royal Comands requiring a Contribution of money, and a Quota of men (or money in lieu thereof) towards the defence of your Province of *New York*.

In anſwer thereto, having firſt made our moſt humble acknowledgemts for your Majeſties Grace and goodneſs to us, in proceeding with us in ſoe parliamentary a way whereby we have an opportunity of Laying the true State of our Caſe before your Majeſty, we preſume to repreſent to your Majeſty that his late Majeſty of Glorious memory in the twelfth year of his Reign by his Royal Letters did ſignify his pleaſure that we ſhould make a like Contribution of men and money for the Aſſiſtance of *New York* Upon Conſideration whereof in a Generall Aſſembly held in ye thirteenth year of his Reign, we did humbly repreſent to his Majeſty the true ſtate of this Dominion, and of the province of *New York*, whereby it appeared that the great Charges ye Country was then burthened with, made it impoſſible for us to comply with his Majeſties Comands; and that by reaſon of the many Inconvenienc's that would neceſſarily enſue it was not for the Intereſt or Service of his Majeſty, that we ſhould furniſh ye men and money required of us: All which proceedings are hereunto annexed, and ſince the ſame reaſons continue that are therein mentioned we humbly pray you your Majeſties gracious Conſideration thereof.

And moreover we humbly preſume to add, that yor Majeſty is actually Engaged in a Warr with *ffrance* and *Spain*, we are more Expoſed to danger than before, for when their Ships ſail through the Gulph of *ffiorida* towards *Europe* they keep a great way along our Coaſts, and may eaſily put into our Harbours, and inſult our poor open defenceleſs Country at pleaſure and we ſhall not be able to defend Ourſelves.

It is a great affliction to us that it is not in our power to performe what yor Majeſtie is pleas'd to require of us; But ſince our unhappy Circumſtances do make us incapable of giveing any greater teſtimonys of our zeale for yor Majties Service than by this Addreſs Therefore we humbly pray your Majeſties acception and conſideration of this true repreſentation of our Caſe, and that you will be graciouſly pleas'd to Superſede your Comands for any Contribution of men or money to *New York* from this poor Country which is in more want of Aſſiſtance ourſelves than capable to give it to others. And

as

as in Duty bound we ſhall ever pray that your Majeſtyes Reign over us may be long and proſperous as the beginning of it hath been ſucceſsfull and glorious
May if pleaſe your Majeſty

Yor Majeſties Moſt Loyal Dutyfull and Obedient Subjects

April 10th 1703

The ſaid Addreſs being drawn fair was ſign'd by every member belonging to the Aſſembly.

The Coñittee for Reviſall of the Laws to whom it was referr'd to inſpect and Overſee the building of ye Capitoll and priſon, having finiſhed the ſaid Reviſall, and that by means thereof it ceaſes to be any longer a Coñittee

Reſolved That it is the Opinion of this Houſe that a Joynt Coñittee of the Councill and Burgeſſes be appointed to execute the ſame truſt for carrying on the building of the Capitol and priſon that was formerly veſted in the Coñittee appointed to Reviſe the Laws.

Ordered That the Coñittee of propoſitions and Grievances carry the ſaid Reſolve to the Councill and deſire their concurrence

A meſſage from the Councill by Mr *Robertſon* bringing in the ſaid Reſolve under written thus

April 9th 1703.

This Reſolve is aſſented to by the Councill and Ordered that Mr Secry *Jenings* be appointed on the behalfe of the Councill

Wil Robertſon Cl Gen Aſſembly

Ordered That Mr *Thomas Barbar* and Mr *Thomas Ballard* be appointed of the ſaid Coñittee on behalfe of the Houſe of Burgeſſes

Ordered That the ſaid Coñittee of propoſitions and Grievances carry again the ſaid Reſolve to the Councill with ye Appointment made on behalfe of the Houſe.

Then the Houſe adjourn'd till Seven a Clock to morrow morning.

Saturday. 10th *April* 1703.

THE Petition from the pariſh of *Copeley* in the County of *Weſtmorland* being read

Reſolved That a Church for ye pariſh of *Copeley* in ye County of *Weſtmorland* ought to be kept and maintained on the Weſt ſide *Nomoine* River in the ſame place where it hath ſtood for the ſpace of about fourty years laſt paſt.

Reſolved That the proceedings of the Veſtry in ye pariſh of *Copeley* in the County of *Weſtmorland* in order to the building a Church on ye Eaſt ſide of *Nomoine* River in a place where no Church was ever before built, are illegal and void.

Ordered That the ſaid petition with ye Reſolves of ye Houſe thereon ordered be carried back to ye Councill by the Burgeſſes of the ſaid County of *Weſtmorland*

A meſſage from the Councill by Mr *Robertſon*

By ye Councill

Mr Speaker *& Gent of ye Houſe of Burgeſſes.*

His Excellcy ſignifying to ye Councill his intentions of proroguing this Aſſembly ye Councill conceive that upon ſuch prorogation all Coñittees appointed by either Houſe are then diſſolved, and conſequently ye Coñittee appointed yeſterday for carrying on ye building of ye Capitol and priſon muſt alſoe fall.

The Councill therefore propoſe that ye perſons nominated by them and your Houſe or any two of them be impower'd to execute that truſt without mentioning the word Coñittee

By Order of ye Honble Councill

Wil Robertſon Cl Gen Aſſbly

April 10th 1703

Reſolved

Reſolved and accordingly *Ordered*

That *Edmund Jenings* Eſqr Mr *Thomas Barbar* and Mr *Thomas Ballard* or any two of them be appointed and impower'd to execute ye ſame truſt for carrying on the building of the Capitol and priſon that was formerly veſted in the Coñittee appointed to reviſe ye Laws 1676023

Ordered That Cōll *Cary* and the Reſt of ye members appointed to joyn with ye Councill in ye Coñittee concerning ye finiſhing the Capitol carry ye ſaid Reſolve to the Councill and deſire their Concurrence

A debate ariſeing of the manner of delivering to his Excellency the Addreſs to her Majeſty.

Reſolved That an Addreſs be deliver'd in writing to his Excellcy for delivery of the Addreſs to her Majeſty.

Then a prepar'd Addreſs being preſented a debate aroſe concerning the form thereof, that ye latter part be amended, and thereupon the previous Queſtion was put, That ye firſt Queſtion be (*vizt*)

That ye Addreſs be in ye words propoſed.

Reſolved in the Affirmative

Reſolved That the Addreſs be in the words propoſed

The Copy off the Addreſs

To his Excellency ffrancis Nicholſon *Eſqr her Majties Lieut and Governr Generall of* Virginia

The humble Addreſs of the Houſe of Burgeſſes

May it pleaſe Your Excellcy

We her Majties Loyal and dutyfull ſubjects the Burgeſſes having agreed upon an humble Addreſs to her Majtie to congratulate the late great and glorious Succeſſes of her Majties fforces by Sea and Land, and to repreſent to her Majtie ye preſent circumſtances of this her Colony and Dominion in all reſpects and more perticularly the State between it and that of *New York* humbly pray ye favor of your Excellcys aſſiſtance to get it preſented to her Majties hands.

Wee are well aſſur'd a kind repreſentation from yor Excellcy in behalf of this Colony will be of extraordinary Service, and we Should not be juſt to your Excellcys merit if we did in the leaſt doubt yor Excellcys Zeale for its proſperity having had ſo many inſtances ſince you came to the Government how much You ſtudy to diſcharge your truſt with Loyalty and faithfulneſs to her Sacred Majtie and reſpect and care for and towards her dutyfull and good ſubjects here

Reſolved That Mr *Speaker* Sign the ſaid Addreſs and that it be preſented by the whole Houſe.

Ordered That the Coñittees of propoſitions & Claims wait upon his Excellcy humbly to know his pleaſure when he will be attended by ye Houſe, And being return'd Mr *Leigh* acquainted ye Houſe that his Excellency was pleas'd to ſay he would ſend to ye Houſe.

A meſſage by Mr *Robertſon* bringing into ye Houſe the Reſolve and Order of this day appointing and Impowering *E Jenings* Eſqr Mr *Thomas Barbar* & Mr *Thomas Ballard* to execute ye truſt for carrying on ye building of ye Capitol and priſon formerly veſted in the Coñittee appointed to reviſe ye Laws Aſſented to by ye Councill and Aſſented to and Sign'd by his Excellcy.

Alſo ye Reſolves of ye Houſe upon ye petition from *Copeley* pariſh in *Weſtmorland* County aſſented to by ye Councill.

Mr *Bland* from ye Coñittee for receiving and Examining Mr *Treaſurers* Accounts Reported that ye ſaid Coñittee had recd and inſpected Mr *Treaſurers* accounts by which there remains in Mr *Treaſurers* hands Seven hundred fourty one pounds four Shillings and Six pence farthing. And deliver'd them in at ye table, where ye ſame were read & paſt by ye Houſe.

Ordered

Ordered That the ſaid Coñittee carry y^e^ ſaid Accounts to ye Councill and deſire their concurrence thereto

Then ye ffurther Report of the ſaid Coñittee was read and upon Conſideration thereof.

Ordered That it remain an Obſervation upon ye Journall that Mr *Treaſurer* has given himſelfe credit for two hundred Eighty three pounds five ſhillings for ye Truſtees of ye City of *Williamſburgh* by Order of ye Aſſembly, which he ſayes he has only paid part of, but has no receipts or diſcharges.

Ordered That it remain an obſervation on ye Journall. That Cõll *Lees* account taken notice of laſt Seſſion as not ſworn to is not yet done, and that Mr *Treaſurer* has not accounted for any thing in the ſaid *Lees* diſtrict ſince ye laſt Aſſembly

Mr *Robertſon* brought in from his Ex^cy^ & ye Councill Mr *Treaſurer*s Account aſſented to by ye Councill, and aſſented to and ſign'd by his Ex^cy^

Reſolved That the ſeverall Allowances made this Seſſion to ye Members Aſſiſtants & Clerk &c of ye Coñittee for Reviſall of ye Lawes be paid out of the Impoſition ffunds from Liquors Servants & Slaves

Ordered That the Coñittee of Claims carry y^e^ ſaid Reſolve to ye Councill and deſire their concurrence.

Mr *Robertſon* brought in ye Reſolves and Orders of ye Houſe for payment of the members and Officers of ye Coñittee for reviſall of ye Laws and the Report of the Coñittee of Councill and Burgeſſes for finiſhing and furniſhing ye Capitoll aſſented to by ye Councill, and aſſented to and ſign'd by his Excell^cy^

A meſſage from his Excellency by Mr *Robertſon*

Mr *Speaker*

His Excell^cy^ coñands the iñediate attendance of this Houſe upon him in the Councill Chamber.

And accordingly the Houſe went to Attend his Excell^cy^.

31-38

JOURNALL

OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at her Majeſties Royall Colledge of *William* and *Mary* adjoyning to the City of *Williamſburgh* the ſeventeenth day of *March* in the ſecond year of the Reign of our Sovereign Lady ANNE Queen of *England &c.* and thence continued by Severall Prorogations to the twentieth day of *April* 1704. In the third year of her Majeſtys Reigne

RICHMOND, VIRGINIA.

MCMXII.

39-40

JOURNALL

of the

HOUSE OF BURGESSES

Thurſday April 20th 1704

MR *Speaker* and twenty nine Burgeſſes being mett in the Houſe

A meſſage from his Excelly by Mr *Robertſon*

Mr Speaker *and Gentl of ye Houſe of Burgeſſes*

His Excelly commands the imediate attendance of the Houſe upon him in the Council Chamber & accordingly the Houſe went to attend his Excelly.

41-42

JOURNALL

OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at her Majeſties Royall Colledg of *William* and *Mary* adjoyning to the City of *Williamſburgh* the ſeventeenth day of *March* in the Second year of the Reign of our Sovereign Lady ANNE Queen of *England &c.* and thence continued by ſeverall prorogations to the One & twentieth day of *April* 1704. In the third year of her Majeſtys Reign, the laſt Prorogation directing the Burgeſſes to meet at her Majeſties Royall Capitol

RICHMOND, VIRGINIA.

MCMXII

JOURNALL

of the

HOUSE OF BURGESSES

Fryday April 21th 1704

MR *Speaker* and thirty three Burgeſſes being mett at the Capitoll in a room appointed for the Burgeſſes to Sit in

A meſſage from his Exᶜʸ by Mʳ *Robertſon*

Mʳ Speaker *and Gentⁿ of the Houſe of Burgeſſes*

His Excēlly command the imediate attendance of this Houſe upon him in the Council Chamber.

And accordingly the Houſe went to attend his Excēlly And being returned Mʳ *Speaker* acquainted the Houſe That his Excēlly was pleaſed to ſhew his Commiſſion from her Majeſty to be Leivᵗ and Governoʳ Generᴵˡ of this Colony and Dominion and to cauſe the ſame to be read by the Clerk of the Council and after that to ſhew his Inſtructions and to read One of them which nominated the Council. And then his Excēlly was pleaſed to ſay That he had Commiſſionated perſons to adminiſter the neceſſary Oaths to the Burgeſſes

His Excellʸˢ Commiſſion to *William Randolph* Junʳ to be Clerk of the Houſe of Burgeſſes and the Certyficate of the Honᵇˡᵉ *John Lighifoot* and *Henry Duke* Eſqʳᵉ two of her Majēſts Honᵇˡᵉ Council certifying that they had Adminiſtred the Oaths appointed by Act of Parliament to be taken inſtead of the Oathes of Allegiance and Supremacy, the Oath mentioned in the Act Entituled *an Act declareing the alteration in the Oath appointed to be taken by the Act Entituled an Act for the further Security of his Majeſties perſon and the Succeſſion of the Crown in the Proteſtant Line and for extinguiſhing the Hopes of the pretended Prince of* Wales *and all other pretenders and their open and Secret Abetters and for declaring the Affotiation to be determined* As alſo the Teſt and Oath of Clerk of the Houſe of Burgeſſes unto the ſaid *William Randolph* Junʳ were ſeverally read and the ſaid *William Randolph* thereupon admitted to the Execution of the ſaid Office

The Certifycate of the Honᵇˡᵉ *William Byrd John Lightfoot* and *Benjamin Harriſon* Eſqʳᵉ three of her Majēſts Hoñble Council was read wherein they certifye that purſuant to a Commiſſion under the Seal of the Colony directed by his Excēlly to them, they had adminſtred the Oathes appointed by Act of Parliment to be taken inſtead of the Oathes of Allegiance and Supremacy the Oath menc̄oned in the Act Entituled *an Act for the further Security of his Majēſts perſon and the Succeſſion of the Crown in the Proteſtant line and for extinguiſhing the Hopes of the pretended Prince of* Wales *and all other pretenders and their Open and ſecret Abettors and for declaring the Affotiation to be determined* As alſo the Teſt and Oath of a Burgeſs unto *William Randolph, ffrancis Epes Richard Covington, Henry Jenkins, Miles Cary, Joſeph ffoſter, James Moss Robert Hubbard, Peter Beverly James Ranſon William Byrd, Charles Aſhton, Henry Aſhton Anthᵒ Armiſtead Willᵐ Armiſtead, William Robinſon, John Weſt, Thomas Weſt, Nathaniel Harriſon,*

Harrifon, Richard Bland, Gawin Corbin, Arthur Smith, Thomas Giles, William Edwards Joſhua Wynn Thomas Barbor Thomas Ballard George Marable James Wilſon, William Ball, Thomas Hodges Rice Hoe, Richard ffoſſaker, Tully Robinſon, Richard Drummond Robert Bolling and *William Harrifon* Gent^{n} Burgeſſes of this Aſſembly And they further Certifyed that Benjamin Harriſon gent. one of the Burgeſſes of this Aſſembly Subſcribed the Teſt and took all the other Oathes above mentioned (Except the Oath of a Burgeſs) declaring that he had already taken the Oath of a Burgeſs at the firſt opening of this Aſſembly and therefore refuſed to repeat the ſame

A meſſage from his Excēlly by Mr *Robertſon*

Mr Speaker & Gent^{n} of ye Houſe of Burgeſſes

His Excēlly commands the imediate attendance of this Houſe upon him in the Council Chamber.

And accordingly the Houſe went to attend his Excēlly And being returned, Mr *Speaker* acquainted the Houſe that according to his Excēll^{y} Commands the Houſe had been to wait on him in the Council Chamber and that his Excēlly was pleaſed to make a Speech and to give him a Copy thereof and that therefore he would not truſt to his memory to repeat the Contents but read the Copy which was as followeth.

Honble Gentl.

God Almighty I hope will be gratiouſly pleaſed ſo to direct guide, and Enable us, as that we may to all intents and purpoſes anſwer her Majeſts Writt by which this Aſſembly was called and by Prorogation is now mett. in this her Majeſty Queen *Anne* her Royall Capitol which being appoynted by Law for holding Generall Aſſemblys and Generall Courts, my hopes likewiſe are That they may continue to be held in this place for the promoteing of Gods Glory her Majeſts and her Succeſſors Intereſt and Service, with that of the Inhabitants of this her Majeſts moſt antient and great Colony & Dominion of *Virginia* So long as the Sun and Moon endure

Gentl.

Her moſt Sacred Majeſty having been gratiouſly pleaſed to ſend me her Royal Picture and Armes for this her Colony and Dominion, I think the propereſt place to have them kept in will be this Council Chamber. But it not being as yet quite finiſhed, I cannot have them ſo placed as I would

By private accounts which I have from *England* I underſtand her Majeſty hath lately thought fit to appoint a day of publick ffaſting and Humiliation there. But I have not yet ſeen her Majeſts Royall Proclamation for it, which makes me not willing to appoint one here til I have. And had it not been for this I deſigned that her Majeſts Royall Picture and Armes ſhould have been firſt Seen by you on St *George* his day, And to have kept it as day of publick Thankſgiving it being the day on which her Majeſty was crowned and bearing the name of his Royall Highneſs the Prince of *Denmark*, and likewiſe of the Patron of our Mother Kingdome of *England*.

Honble Gent^{n}.

I dont in the leaſt doubt but that you will joyn with me in paying our moſt humble and dutifull Acknowledgments and thanks to her moſt Sacred Majeſty for this great Hon^{r} and favour which ſhe hath been pleaſed to beſtow upon yor Country and in praying that ſhe may have a long proſperous. Succeſsfull and Victorious Reign As alſo that ſhe may in all reſpects not only equall but ſoon Out doe her Royall Predeceſſor Queen *Elizabeth* of ever glorious memory in the latter end of whoſe Reign this Country was diſcovered and in honour of her called *Virginia*.

It is now within two yeares of a Century ſince it being firſt Seated, at which time if God Almighty and her Maj^{ty} ſhall be ſo pleaſed I deſign to celebrate a Jubilee and that the Inhabitants thereof may increaſe exceedingly and alſo abound with Riches and Hono^{r} and have Extraord^{ry} good Succeſs and fortune in all their Undertakeings, but cheifly that they may be Exemplary in their lives and Converſations, continue in their Religion of the Church of *England* as by Law eſtabliſhed Loyall to the Crowne thereof,

thereof, and that all theſe things may come to paſs, I queſtion not, but you will moſt cordially Joyn with me in our moſt vnfeigned and hearty prayers to God Almighty for them.

ffr Nicholſon

Upon a Motion made by a Member of the Houſe

Ordered That the Meſſenger be directed by Mr *Speaker* to attend conſtantly in ſome convenient place within the Houſe for the better receiving the Commands of the Houſe

Then the Houſe adjourned til to morrow morning nine a Clock.

Saturday Aprill 22th 1704

ORDERED That *Richard Morris John Remington Anthony Evans* and *Richard Strickland* be continued Doorkeepers to the Houſe this Seſſion and that they give their reſpective attendance accordingly.

The orders of the Houſe for laſt Seſſions being read at the table

Reſolved That the Houſe do approve of the ſame and that they ſhall continue Orders for this Seſſion

Ordered That the ſaid Orders ly conſtantly upon the Table for every Members pervſall as occaſion

A meſſage from his Excell^{y} by Mr *Robertſon* in writing was read at the table as followeth.

Mr Speaker *and Gent. of the Houſe of Burgeſſes*

I have received ſome letters concerning ſtrange Indians which I herewith ſend you, and there are two perſons of *Stafford* County now here, whom I recommend to you to be Examined about that matter. I have received ſome Account of Indians in *New England* and *South Carolina*, the Severall papers concerning them I alſo herewith ſend you

I have alſo received Letters concerning our Convoys and ffleet, which I likewiſe ſend you. I every hour expect to hear that the Commodore is returned from *Maryland* therefore recommend it to you that you will with all Expedition let me know your Opinion concerning the time of the Fleets ſayling. I look upon it as a great misfortune that his Royall Highneſs Prince *George* of *Denmark* &c his Originall Order which is dated the 11th of *January* laſt ſignifying that two men of Warr are ordered hither. and Directing the Commodores Staying here til the laſt of *May* is not yet come, but I ſend you a Copy thereof atteſted by Mr *Micajah Perry* with which is a Lett^{r} of his of ye 18th of *January* laſt Sent to

ffr: Nicholſon

Ordered That the ſaid meſſage together with the Severall Letters and Papers therein mentioned be taken into conſideration on *Monday* next.

David Strawne and *William Allen* (the two perſons of *Stafford* County recommended in his Excells meſſage to be examined by the Houſe were Severally called in And being Examined were ordered to withdraw.

Ordered That the Houſe be called over as often as ſhall be thought convenient and that thoſe members who ſhall be wanting in their duty of Attendance be lyable to the Cenſure of the Houſe

Reſolved and accordingly *Ordered*

That it be a ſtanding rule of this Houſe that fifteen Members with the Speaker ſhall be a Sufficient number to adjourne

A Committee for Elections and Priviledges

Mr *Gawin Corbin* Chairman

M^{r} *Joſeph ffoſter*.....Mr *Richard Bland*

Mr *Nath. Harriſon*.....Mr *John Weſt*

Ordered That Mr *Miles Cary* Junr be Clerk of this Comm^{tee} and give his attendance accordingly.

Ordered

Ordered That the Clerk of the Houſe deliver to the Chairman of the Committee for Elections and Priviledges the Writt for the Election of Burgeſſes for *Prince George* County and what other Writts ſhall come to his hands And that the ſaid Comm^tee take into their conſideration the Severall Returnes thereon, and make report of their proceedings and Opinions therein to the Houſe

A Com^tee for publick Claims

Mr *Miles Cary* Chairman

Mr *Richard Bland*.....M^r *ffrancis Eppes*
M^r *Joſeph ffoſter*.....Mr *John Weſt*
Mr *James Wilſon*.....Mr *Willm Armiſtead*

Mr *Tully Robinſon*

Ordered That Mr *Miles Cary* Junr be Clerk of this Committee and give his attendance accordingly.

A Committee of Propoſitions & Greivances

Mr *William Randolph* Chairman

Mr *Gawin Corbin*.....Mr *Thomas Ballard*
Mr *Benjn Harriſon*.....Mr *Nath^ll Harriſon*
Mr *Thomas Barbar*.....Mr *Anth^o Armiſtead*
Mr *James Ranſome*.....Mr *Robert Hubard*

Mr *Robert Bolling*

A Petition of *William Aylett* praying to be admitted to the place and Office of Clerk of the Comt^ee of Propoſic̃ons and Greivances And alſo

A Petition of *Charles Evans* praying to be admitted to the ſame place were ſeverally read

Reſolved That Mr *William Aylett* be Clerk of the Committee of propoſic̃ons and Greivances. And

Ordered That he give his Attendance accordingly

Ordered That the Committees have power to adjourne themſelves *De Die in diem* and to ſend for perſons Records Journalls and other papers they ſhall from time to time have occaſion of

Reſolved & accordingly *Ordered*

That all Propoſitions Greivances and Publick Claimes be brought into the Houſe on *thurſday* the twenty Seventh Inſtant at lateſt or not to be received in this Seſſions of Aſſembly without perticular leave of the Houſe

Ordered That the Clerk of the Houſe publiſh the lateſt time ſet by the Houſe for receiving propoſitions Greivances and Publick Claims during this Seſſion by Setting up a fair Copy of the Reſolve of the Houſe made in that behalf at the door of the Houſe

Ordered That the Clerk of the Houſe publiſh the place where the Committee of Propoſitions and Greivances and the Com^tee of Publick Claims are to ſit by ſetting vp a Certifycate thereof at the Door of the Houſe

Ordered That the Committee of Propoſitions and Greivances inſpect the Journall of this Houſe at the laſt meeting and the Seſſion next before that and report to the Houſe what they find neceſſary to be taken into conſideration this Seſſion

Ordered That the Committee for publick Claims inſpect the reports of the ſaid Committee at the laſt meeting and at the Seſſion next before that and report to the Houſe what they find neceſſary to be further conſidered this Seſſion

Reſolved and accordingly *Ordered*

That all Petitions Propoſitions and Greivances directed for the laſt Seſſions and laſt meeting of Aſſembly and not then conſidered be admitted to the conſideration of this Seſſion

The Houſe was called over and the abſence of ſuch Members as did not appear was Excuſed

Ordered That the members of the Com^tee of Elections and Priviledges wait upon his Excell̃y and deſire him to iſſue out a new writt for the Election of a Burgeſs to ſerve in this Aſſembly for *Nanſemond* County in the roome of Mr *Thomas Swan* dec̃d.

Ordered

Ordered That the Members of the Committee of Elections and Priviledges wait upon his Excēlly and desire him to issue out a new writt for the Election of a Burgess to Serve in this Assembly for *King* and *Queen* County in the room of Mr *William Leigh* deceased

Ordered That the Members of the Committee of Elections and Priviledges wait upon his Exčelly and desire him to issue out a new writt for the Election of a Burgess to Serve in this Assembly for *Middsex* County in the room of Mr *Edwin Thacker* dečd.

Then the House adjourned til *Monday* morning nine a Clock

Monday April 24th 1704

A WRITTEN Message from his Excēlly and the Honble Council by Mr *Robertson* was read as followeth

By his Exly and the Honble Council

Mr Speaker *and Gentlemen of the House of Burgesses*

His Excēlly and the Honble Council having received diverse Petitions heretofore prefented by the *ffrench* Refugees Setled at *Manakin* Town praying for Naturalization with severall other Papers relating to that Settlement, have thought fitt to recommend to yor House the mature Consideration of the said Petitions and Papers as being a Case of very great Importance

Ordered That the said Message together with the Petitions and Papers therein menčoned be referred to the consideration of the Committee of Propositions and Greivances to report their Opinions therein.

Then the House according to order proceeded to the consideration of a message from his Excēlly to the House on *Saturday* last and therein having spent some time came to these Resolutions following.

Ordered That the consideration of the first Paragraph of his Excēlls said message concerning Strange Indians together wth the Papers relateing thereto be referred to the Committee of Propositions and Greivances to report their Opinions therein

Resolved That it is the Opinion of this House.

That in respect of her Majēsts and this Countrys Service the better security of Merchants Shipps and the Interest of Trade in Generall it will not be propper for the present fflect to sayl hence before the last day of *May* next

Ordered That Mr *Epes* Mr *Bolling*, Mr *Hoe*, Mr *Wilson* Mr *Wyn*, Mr *Edwards* carrye a Copy of the said Resolve to his Excellency

Several Propositions and Greivances from the Countys of *Henrico* and *Norfolk* were read and referred to the consideration of the Committee of Propositions and Greivances to report their Opinions therein

The Certifycates of the Honble *William Byrd* and *John Lightfoot* Esqrs two of her Majests Honble Council were read wherein they certifye that persueant to a Comission under the Seal of the Colony directed to them by his Excēlly they had administred the Oathes appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Oath mentioned in an Act Entituled *An Act, declareing the alterations in the Oaths appointed to be taken by the Act Entituled An Act for the further Security of his Majēsts person and the Succession of the Crowne in the Protestant line and for Extinguishing the hopes of the Pretended Prince of* Wales *and all other pretenders and their Open and secret Abettors, and for declareing the Assosiation to be determined*, as also the Test and Oath of a Burgess unto *Edward Mosely Adam Thorowgood, Benjamin Nottingham, Jacob Johnson* and *John Turbervill* Gent. Burgesses of this present geñll Assembly

The Propositions and Greivances from *Charles City* County were read and referred to the Committee of Propositions and Greivances.

Ordered

Ordered That the Com^tee of Propoſitions and Greivances take into conſideration that part of the Greivance of *Charles City* County which relates to the Election of Burgeſſes for that County and that they ſearch for Preſidents and report their Opinion thereon with all convenient Expedition

Mr *Corbin* from the Committee of Elections & Priviledges reported that the ſaid Committee had taken into conſideration the Return made on the writt for Election of Burgeſſes for *Prince George* County committed to them And therein had come to a Reſolution, which he read in his place and then delivered in at the Table. where being again read the Houſe took the ſame into imediate conſideration and agreed upon the Reſolution following

Reſolved That Leiv^t Cõll *Robert Bolling* and Mr *William Harriſon* are duly returned Burgeſſes to ſerve in this preſent Generall Aſſembly for *Prince George* County according to Law

A Petition for the Naturalization of.....*Cyprian Prou*
A Petition for Naturalization of.....*Peter Ruckes*
A Petition for Naturalization of.....*Iſaac Garrett*
A Petition for Naturalizacõn of *John James Veillon* & others
A Petition for Naturalizacõn of.....*Teliſſe Alverton*

Being referred by the Council to the conſideration of the Houſe were ſeverally read and referred to the Com^tee of Propoſitions and Greivances to report their Opinions therein

A Petition of *Mary Greenfeild* referred by the Council to the conſideration of the Houſe was read and referred to the Committee of Propoſitions and Greivances to report their Opinions therein

The Houſe adjourned til nine a Clock to morrow morning.

Tueſday April 25th 1704

TWO written meſſages from his Excelly by Mr *Robertſon* who brought with him ſome Papers relateing thereto (*vizt*)

Returnes of the Sherriffs of the ſeverall Countys concerning the Settlement of the ffrontier Plantations

Her Majeſts Inſtructions to his Excelly Dated 7th *Jan^ry* 1702

The ſaid meſſages being as followeth.

Mr Speaker *and Gentl. of the Houſe of Burgeſſes*

I herewith ſend you the Returnes of the Sherriffs of the ſeverall ffrontier Countys whereby you may ſee how many of thoſe plantations on the ffrontiers are Seated according to the Act of Aſſembly made Anno 1664 as that Act was then made for the better Securing and Strengthening thoſe parts that were moſt expoſed to the Incurſions of Enimys. I muſt leave to you to conſider whether the reaſon of it be yet ceaſed, So that it may be repealed, but if the ſame reaſon do ſtil exiſt, that ſome method may be taken to render it more effectual, As for the Land on the South ſide *Blackwater* Swamp and in *Pamunkey* neck. I have ſent to *England* by the Honorable Mr Secretary *Jennings* the Severall Addreſſes and Papers that have been preſented to me concerning it And I hope I may very ſpeedily receive her Majeſts gratious Commands about the matter So that theſe places may be as ſoon ſeated as the reſt of the ffrontiers are.

You will receive a Petition referred vnto your Houſe by the Honble Council concerning the Dividing the Upper Pariſh of *New Kent* County, and there are ſeverall other Pariſhes that labour under the like Inconveniencys with them as particularly St *John* Pariſh in *King Willm* County & St *Peters* Pariſh in *King* and *Queen* County both which are ſo long that the Inhabitants cannot without great Inconveniency attend the Worſhipp of God at their Churches, nor the Miniſters do their Duty in viſiting and Adminiſtring the Sacrament to ſick people, and in Babtizing Children and the Pariſhes of St *Marys* and *Sittinburn* on *Rappahannock* River are in the ſame Circumſtances. I therefore recommend to you where the Pariſhes are inconvenient that they be divided. And likewiſe that you will take into your Conſideration the Conſolidating

ſolidating thoſe ſmall Pariſhes (whereof there are divers in this neck) who are not able to maintain a Miniſter without a very great Burthen and Charge upon the Inhabitants

ffr: Nicholſon

Mr Speaker *and Gentl. of the Houſe of Burgeſſes*

I do in her Majeſts name return you thanks for the Speedy Reſolve you have made in what I recommend^d^ to you concerning the time of the ffleets ſayling wherein my ſelf and her Majeſts Honble Council do concurr with you

There is one thing more which I think doth very much concern her Majeſts and this Countrys Intereſt and Service and therefore I hope you will think it worthy your ſerious conſideration, You may perceive by the papers and Letters which I ſent you on *Saturday*. how much diſpute there has been amongſt the Merchants at home concerning the time of fitting out the ffleets bound hither laſt year As alſo about the time of their departure from hence, I recommend to you to let me know your Opinion what you think moſt propper for her Majeſts and this Countrys Intereſt and Service on ſuch occaſions, and I deſire your ſpeedy anſwer therein, becauſe I intend to Communicate the ſame to his Excelly the Govern^r^ of *Maryland* while the Aſſembly is ſitting there. I herewith ſend you her Majeſts gratious Inſtructions to me dated 7th *January* 1702 directing that no ſhipps ſail hence in time of Warr without Convoys

ffr: Nicholſon

Ordered That the conſideration of the ſaid meſſages together with the Papers thereto relateing be referred to the Committee of Propoſitions and Greivances and that they report their Opinions upon that part of the laſt meſſage which relates to the fitting out of ffleets with all convenient Expedition

A Letter from Mr *Robert Beverley* to this Houſe was read

A Petition of Mr *Robert Beverley* praying that he may be allowed for officiateing as Look out on point *Comfort*

A Petition of Mr *Robert Beverley* praying that he may be allowed for Services by him done for the *Pamunkey* Indians

A Petition of Mr *Robert Beverley* praying allowance for officiating as Clerk of the Houſe of Burgeſſes the laſt meeting of the Aſſembly and for four Copys of the Journall of the ſaid meeting deliver^d^ his Excēlly to be ſent to *England*. And

A Petition of *James Adams* praying allowance for being Interpreter to the *Rappahannock* Indians two yeares—Being Severally read

Ordered That the conſideration of the ſaid Petitions be referred to the Committee for publick Clayms to report their Opinions therein

Severall Propoſitions and Greivances from the Countys of *King* and *Queen Prince George* and *Richmond* were read and referred to the conſideration of the Committee of Propoſitions and Greivances to report their Opinions therein

A Petition of the Churchwardens of St *Peters* Pariſh concerning a Diviſion of the ſaid Pariſh

A Complaint of the *Nanziattico* Indians concerning one *Thomas Kendall*, turning them off their Land—being referred from the Honble Council for the conſideracon of the Houſe were ſeverally read.

Ordered That the ſaid Petition and complaint be referred to the conſideration of the Committee of Propoſitions and Greivances to report their Opinions therein

Severall Publick Claims from the Countys of

Prince George.....*York*
King and *Queen*.....*Lancaſter*
Glouceſter.....*New Kent*
Middleſex.....*King William*
Accomack.....*Elizāb: City*
Henrico.....*Princeſs Anne*

And *Northampton*

Were preſented to the Houſe and referred to the conſideration of the Committee for publick Claims to Examine the Subject matter thereof and report the ſame with their Opinions therein to the houſe

M^r^

Mr *Randolph* from the Committee of Propoſitions and Greivances reported that according to order the ſaid Committee had taken into conſideration that part of the Greivance from *Charles City* County which relates to the Election of Burgeſſes for that County and that they had ſearcht for Preſidents and had come to a reſolution which he read in his place and then delivered it in at the table where being againe read after Some time ſpent in debate

The houſe agreed to the report of the Comtee *viz*t That a new writt do iſſue for the Election of two Burgeſſes to ſerve in this Aſſembly for *Charles City* County

Ordered That the members of the Houſe who have ſerved as Burgeſſes for *Charles City* County this Aſſembly be diſcharged from giving any further attendance in this Houſe

Reſolved That it is the Opinion of this Houſe That Mr *Richard Bland* and Mr *Joſhua Wynn* who have attended this Seſſion as Burgeſſes for *Charles City* County as it now ſtands ought to be paid for their ſaid Attendance by the ſaid County.

Ordered That the members of the Committee of Elections and Priviledges wait upon his Excēlly and deſire him to iſſue out a new writt for the Election of two Burgeſſ[s] to Serve in this Aſſembly for *Charles City* County.

Ordered That Mr *Edward Moſely* and Mr *Richard Covington* be added to the Committee for publick Claymes

The Houſe adjourned til to morrow morning nine a Clock.

Wedneſday April 26th 1704

A CERTIFYCATE of the Honble *William Byrd* and *John Lightfoot* Eſqrs two of her Majeſts hoñble Council was read wherein they certifye that purſueant to a Commiſſion vnder the Seal of the Colony directed to them by his Excēlly they have adminiſtred the Oathes appointed by Act of Parlimt to be taken inſtead of the Oaths of Allegiance and Supremacy the Oath menc̄oned in the Act Entituled *an Act declareing the alterations in the Oath appointed to be taken by the Act Entituled An Act for the further ſecurity of his Majēſts perſon and the Succeſſion of the Crowne in the Proteſtant line and for extinguiſhing the hopes of the pretended Prince of* Wales *and all other pretenders and their open and Secret Abettors and for declareing the Aſſoſiation to be determined*, as alſo the Teſt and Oath of a Burgeſs unto *James Baughan* gent. a Burgeſs of this aſſembly

A Petition of *John Kimbro* praying his annual pention of One thouſand pounds of Tobacco and Cask may be Levyed for him as vſual—was read

Ordered That the conſideration of the ſaid Petition be referred to the Committee for publick Clayms to report their Opinions therein

Mr *Randolph* from the Committee of Propoſitions and Greivances reported that according to order the ſaid Comtee had taken into conſideration his Excēlls meſſage to the Houſe on the 25th of this Inſtant concerning ye fitting out of ffleets and that they had likewiſe conſidered his Excēlls meſſage of the 24th of this Inſtant relateing to the Naturalization of the *ffrench* Refugees ſetled in the *Mannakin* Town. together with a Petition of the *ffrench* Refugees ſetled at the head of *York* river praying for naturalization and therein had agreed upon ſeveral reſolutions which he read in his place and then delivered them in at the table where being againe read and a ſmall amendment therein made the Houſe agreed to the ſame as followeth

Reſolved That it is the Opinion of the Houſe that it will be moſt for her Majeſts and this Countrys ſervice and intereſt that all ſhipps deſigned for this Country in time of Warr do ſayl from *England* the latter end of *Auguſt* or the beginning of *September*

Reſolved That it is the Opinion of this Houſe That the *ffrench* Refugees ſetled at the *Manakin* town be Naturalized by Act of Aſſembly.

Reſolved That Applycation be made by the Houſe to his Excēlly deſireing him to Commiſſionate ſuch perſons as he ſhall think to adminiſter the Oathes required by Law

in

in order to Naturalizacon to all ſuch *ffrench* Refugees reſideing at the *Mannakin* town as ſhall deſire Naturalization

Reſolved That it is the Opinion of this Houſe That the *ffrench* Refugees ſetled at the head of *York* river be naturalized by Act of Aſſembly.

Reſolved That applycation be made by the Houſe to his Excēlly deſireing him to Commiſſionate ſuch perſons as he ſhall think fit to adminiſter the Oaths the Oaths required by Law in order to Naturalization to all ſuch *ffrench* Refugees reſiding at the head of *York* river as ſhall deſire Naturalization

Reſolved That the Applycations agreed upon to be made by the Houſe concerning the *ffrench* Refugees at the *Mannakin* town and at the head of *York* river be made to his Excēlly by a meſſage in writeing

Ordered That it be referred to the Committee of propoſitions and Greivances to p'pare the ſaid Meſſage and to report it to the Houſe as ſoon as conveniently may be.

Mr *Randolph* from the Comtee of propoſitions and Greivances reported that the ſaid Comtee had according to order prepared a written meſſage to his Excēlly which he read in his place and then delivered it in at the table where being again read and a ſmall Amendment therein made ye ſame was agreed to by the Houſe—as followeth

May it pleaſe yor Excēlly.

The Houſe of Burgeſſes having taken into conſideration your Excēlls meſſage of the 24th Inſtant relating to the Naturalization of the *ffrench* Refugees Setled at the *Mannakin* Towne are of Opinion That the ſaid Refugees and alſo the Refugees ſetled at the head of *York* river be naturalized by Act of Aſſembly And becauſe the Reſidence of the ſaid Refugees is ſo remote from this place that they cannot come hither without Extraordry trouble and Charge and leaving their habitations without defence to make the Oaths required by Law in order to their Naturalization

The Houſe of Burgeſſes humbly pray your Excēlly to appoint Commiſſrs to adminiſter the ſaid Oathes to them at their reſpective places of Abode.

Ordered That the ſaid meſſage be fairly tranſcribed and Signed by Mr *Speaker* and that the Comtee of Propoſicons and Greivances preſent the ſame to his Excellency together with a Copy of the Reſolve of the Houſe this day made upon his Excēlls meſſage concerning the fitting out of ffleets.

The Propoſitions and Greivances of *Princeſs Anne* County being referred by the Council to the conſideration of the Houſe were read and referred to the conſideration of the Committee of Propoſicons and Greivances to report their Opinions therein

A Petition of *John Redwood* for an allowance as being Goal Keeper referred by the Council to the Conſideration of the Houſe was read and referred to the conſideration of the Committee for Publick Claims to report their Opinions thereon

Mr *Corbin* from the Committee of Elections and Priviledges reported that according to order they had waited on his Excēlly and deſired him to iſſue out New writts for the Election of Burgeſſes to ſerve in this Aſſembly in the room of thoſe Members who are now wanting

The Houſe adjourned til to morrow morning nine a Clock

Thurſday April 27th 1704

A PETITION of *Thomas Wynn* praying allowance for being Interpreter to ye *Nottaway Maherin* and *Nanſemond* Indians

A Petition of the Honble *Edmund Jenings* Eſqr *Thomas Barbar* and *Thomas Ballard* Gent. praying allowance inſpecting and directing ye ffiniſhing the building of the Capitol—

A Petition of *Thomas Whitby* praying allowance for his care & diligence in building the Capitol

A Petition of Mr *Henry Cary* praying Allowance for his Extraordinary Services in Overſeeing the Building of the Capitol

A Petition of Mr *Charles Chifwell* praying allowance for publick Services by him done as Clerk of the Secretarys Office—

A Petition of Mr *Chicheley Corbin Thacker* in behalf of the Honble *Edmund Jennings* Efqr Secretary praying allowance for One hundred thirty Six Military Commiffions iffued out of the Secretarys Office.

A Petition of Mr *Chicheley Corbin Thacker* late Clerk of the Secretarys Office praying Allowances for pūbl Services by him done And

A Petition of Mr *Chicheley Corbin Thacker* in behalf of the hoñble *Edmund Jennings* Efqr Secretary praying allowance for five New Writts for the Election of Burgeffes iffued out of the Secretarys Office.

Being referred by the Council to the conſideration of the Houſe were Severally read and referred to ye Conſideration of the Committee for Publick Clayms to report their Opinions therein

A Petition of the *Nottoway* Indians praying his Excēlly to grant a paſs under the Seal of the Colony to ſome of their Great Men to go Norward to treat about the Ranſoming their King who was carryed away by a party of Strange Indians Suppoſed to be *Senegnas* and

A Petition of *John Holt* praying that he may be impowered to keep a ferry at *Hogg* Iſland.

Being referred by the Council to the conſideracon of the Houſe were Severally read and referred to the Conſideration of the Committee of Propoſitions and Greivances to report their Opinions therein

A Petition of Mr *Thomas Ballard* Sherriff of *York* County praying allowance of four thouſand four hundred forty pounds of Tobacco due to him for his Attendance on ye Genll Court and other Services And

A Petition of Mr *William Barbar* Sherriff of *York* County praying an allowance of two thouſand Six hundred and thirty two pounds of Tobacco for his attendance on the Generall Court and other Services—Were ſeverally read and referred to the Conſideracon of ye Comtee for publick Claims to report their opinions therein

A Propoſition of Mr *William Randolph* and Mr *Miles Cary* concerning the ſending of Capitol Offenders from the Severall Countys in this Dominion to the Keeper of the Coñon Goal. Was read and refeŕed to the conſideration of the Committee of Propoſitions and Greivances to report their Opinions therein

A Petition of Mr *Henry Cary* ſetting forth that the Comtee hath not given Directions for the Compleat finiſhing the Capitol and therefore deſireing that the Geñll Aſſembly will give ſuch further Directions therein as they ſhall think needfull—being referred by the Honble Council to the conſideracon of the Houſe was read

Ordered That the ſaid Petition lye upon the table

Three written meſſages from his Excēlly & the Honble Council by Mr *Robertſon* who brought into the Houſe ſome Papers relateing thereto

By his Excēlly & the Honble Council

Mr Speaker *and Geñtl. of the Houſe of Burgeſſes*

Upon conſidering your Reſolve Yeſterday relating to the time of the Shipps deſigned for this Country their Sayling from *England*, His Excēlly and the Council do agree with you that the latter end of *Auguſt* or beginning of *September* is the moſt propper time, but as this is a Caſe of very great Importance for the Majeſts and this Countrys Intereſt and Service they think it neceſſary that Your Houſe give your reaſons for this Opinion, which will render it more effectuall in *England* for obtaining ſuch a Regulation as is deſired

His Excēlly and the Council do likewiſe deſire your Opinion concerning Embargoes and that therein you will have a ſpecial Regard to her Majeſts Royall Inſtruction which now lyes before you. And likewiſe that your Houſe will take into conſideration the moſt propper and convenient time for fleets ſayling from hence in time of Warr. His Excēlly and the Council being humbly of Opinion that neither the limiting them

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to a certaine day as the preſent Commodores orders are nor the fixing A certain number of daies for their ſtay after their arrival as has been vſual formerly are for her Majeſts Service, the Intereſt of the trade of this Country, nor the benefit of the Merchants Since beſides the Vncertainty of Voyages many Vnforeſeen accidents may retard the Ladeing of the Shipps and render it impoſſible for them (without great detriment) to proceed with a Convoy at a certain day.

Aprill. 27th 1704

By his Excēlly & the Honble Council

Mr Speaker *and Gent. of the Houſe of Burgeſſs*

His Exçēlly and the Honble Council have conſidered yor Reſolve of Yeſterday relating to the *ffrench* Refugees ſetled at *Mannikin* Town and the head of *York* river and Commiſſions are accordingly Ordered to the Juſtices of the Countys of *Henrico* and *King William* reſpectively to adminiſter the Oaths appointed by Law in order to their Naturalization but as to thoſe Refugees ſetled at *Mannikin* town his Excēlly and the Council think fit to ſent [ſend] you Severall other papers that have lately come before them recommending to your Houſe the Serious conſideracon of the ſaid papers and the matters therein contained whereof. Mr Auditor *Byrd* and Leivt Cōll *William Randolph* One of your own houſe can give you full Account

His Excēlly and the Council do conceive it to be of very great Conſequence that that Settlement be Eſtabliſhed on a right foot eſpecially now in time of Warr when there is ſo much rumor of the *ffrench* and Indians from *Canada* invadeing the Northern Colonys, there are now divers Petitions preſented and Pattents prpared for land adjoyning to the *ffrench* at *Mannikin* Town but his Excēlly hath thought fit to deferr Signing them til your Houſe ſhall ſignifye your Opinion on the Papers now and before ſent you which his Excellcy and the Council deſire may be as ſpeedily as poſſible

Complaint having been made to his Excēlly by the Deputy Governr of *North Carolina* of divers ill practices of two Indian Traders belonging to this Government in Stirring vp Warr againſt a nation of Indians under the Governmt of *Carolina*. His Exlcy and the Council conſidering the ill conſequences of ſuch practices have ſent you on the feverll papers relating to that matter recommending to your Houſe to find out ſome propper means to reſtrain ye like for the future.

Aprill 27th 1704

By his Excēlly and the Honble Council

Mr Speaker *and Gent. of ye Houſe of Burgeſſs.*

His Excēlly and the Council finding that the Act appoynting fferrys hath not ſufficiently provided for fferrys in divers places very convenient for that purpoſe more eſpetially On *York* River from Capt *Mathews* plantation to *Cappahoſick* which was recommended to your Houſe laſt Seſſion. And having now received a Petition for a fferry to be kept on *James* River from *Hogg* Iſland at a more convenient place than now it is. Do recommend to you the Reviving of the ſaid Law and where either fferrys are wanting for the Conveniency of Travellers, or thoſe already appointed are found inconvenient that care be taken to regulate the Same—

A Complaint being this day made that the Keeper of the fferry on *Chickahominy* river refuſed to tranſport the Militia of *James City* County living on the other Side of that river who were comeing to the Generll Muſter at this place. His Excēlly and the Council deſire your opinion therein

Aprill 27th 1704

The ſaid meſſages being ſeverally read

Ordered That the conſideration of the ſaid meſſages and Papers relateing thereto be referred to the Comtee of Propoſitions and Greivances to report their Opinions therein—

Mr *Nathaniel Harriſon* a Member of this Houſe moving for Leave to go into the Country upon an Extraordinary Occaſion. Leave is given him accordingly

Ordered That he attend the ſervice of the Houſe againe on *Munday* morning next

Complaint

Complaint being made by a Member of the Houſe of a Breach of Priviledge committed by *John Hughes* of *New Kent* County

Ordered That the ſaid *John Hughes* be ſent for in cuſtody of the Meſſenger of the Houſe to anſwer the ſaid Complaint and that Mr *Speaker* iſſue his warrant accordingly

Mr *Randolph* from the Committee of Propoſitions and Greivances reported that the ſaid Committee had taken into conſideration ſeverall of the matters to them referred and therein had agreed upon Severall reſolutions which he read in his place and afterwards delivered them in at the table where being againe read the Houſe proceeded to the imediate conſideracõn thereof—

And upon conſideration of the report of the ſaid Com^tee upon part of a meſſage from his Excẽlly relateing to ſtrange Indians

The Houſe agreed to the report of the Committee *vizt*

That the Indians lately Seen at the head of *Potomack* River were *Tuſcaroroes* and that they did quietly return home without Offering any Injury to the *Engliſh*—

And upon conſideration of the report of the ſaid Com^tee made upon a Greivance from *Princeſs Ann* County praying that the Reward for killing of Wolves be Leſſened—

The Houſe agreed to the report of the Com^tee *vizt*

That the Laws now in force do make very good proviſion in that caſe

Ordered That the ſaid Greivance be rejected

And upon conſideration of the report of the ſ^d Com^tee made upon a Greivance from *Princeſs Anne* County relateing to Grand Jurys.

The Houſe agreed to the report of the Com^tee *vizt*

That it is Sufficiently provided for in the Reviſall of the Lawes.

Ordered That the ſaid Greivance be rejected

And upon conſideracõn of the report of the ſ^d Com^tee made upon a Greivance from *Princeſs Anne* County relating to the Vncertainty of receiving money

The Houſe agreed to the report of the Com^tee *vizt*

That ſufficient Proviſion for the ſame is made in the Reviſall of the Lawes.—

Ordered That the ſaid Greivance be rejected

And upon conſideration of the report of the ſ^d Com^tee made upon a propoſition from *Charles City* That the Act preſerving the breed of horſes be revived and made perpetual—

The Houſe agreed to the report of the Com^tee *vizt*

Reſolved That the ſ^d Law be revived for ten yeares.

Ordered That it be referred to the Com^tee of propoſitions and Greivances to prepare and bring in a bill accordingly

And upon conſideration of the report of the ſ^d Com^tee made upon a Propoſition from *Charles City* County. That the Act for tareing Tobacco Hogſheads and for aſcertaining the Size of them be revived and made p̃petual

The Houſe agreed to the report of the Comm^tee *vizt*.

Reſolved That a Bill be p^r pared for tareing and aſcertaining the Size of Tobacco hogſh^ds and that the ſame be made perpetuall

Reſolved That the Size of Tobacco Hogſheads be thirty two inches over the head on the inſide and forty eight inches long between the heads.

Ordered That it be referred to the Comm^tee of Propoſitions and Greivances to p^r pare and bring in a Bill according to the ſaid Reſolves

And upon conſideration of the Report of the ſaid Com^tee made upon a Greivance from *King* and *Queen* County complaining that the Bridges over the Swamps and Mill dams are not made paſſable for a loaden cart

The Houſe agreed to the report of ye Coñ^tee *vizt*.

Reſolved That the ſame be rejected.

And upon conſideration of the report of the ſ^d Committee made upon a Greivance from *King* and *Queen* County complaining that the Law doth not provide Rowling Houſes and Store houſes

The

The Houſe agreed to the report of the Committee *viz*^{t}

Reſolved That the ſame be rejected

And upon conſideracõn of the report of the ſ^{d} Comm^{tee} made upon the Petition of the Inhabitants of *Sittinborn* Pariſh praying that it may be divided

The Houſe agreed to the report of the Com^{tee} *viz*^{t}

Reſolved That a bill be prepared for dividing the ſaid Pariſh by *Rappahanock* River.

Ordered That Mr *William Robinſon* Mr *James Baughan* and Mr *Rich*^{d} *Covington* prepare and bring in the ſaid Bill

And upon conſideration of the report of the ſaid Committee made upon the Petition of ye Church wardens of St *Peters* Pariſh in *New Kent* County praying a Diviſion of the ſame

The Houſe agreed to the report of the Com^{tee} *viz*^{t}

Reſolved That a Bill be prepared for dividing the ſaid Pariſh according to the ſaid Petition

Ordered That M^{r} *Joſeph ffoſter* and Mr *James Moſs* p^{r}pare and bring in the ſaid Bill

A written Meſſage from his Ex^{cy} by Mr *Robertſon*

Mr Speaker *and Geñtl of the Houſe of Burgeſſes*

I recommend to you to give directions that the old houſe belonging to Mr *John Page* ſtanding in the Middle of *Glouceſter* Street be pulled downe that the proſpect of the Street between the Capitol and Colledge may be cleer and that you take care to pay what you ſhall judge thoſe houſes to be worth—

I likewiſe propoſe to the Houſe that each of ye Garretts of the Eaſt and Weſt ffronts of ye Capitol be divided into four roomes and thus appropriated *viz*^{t}—One for the Auditor, One for the Secretary, One for the Judg of the Vice Admiralty, One for my Lord Biſhopp of *Londons* Commiſſary. One to keep all the Collectors Accounts and papers which are to be returned every eighteen months, And one for the Navall Offycers to be imployed for the Same vſe. One for the Attorney Geñ^{ll} and One for the Sherriff attending the Geñ^{ll} Court.

That the Garrett over the Conference Room be divided into four Cloſetts to be thus appropriated *Viz*^{t} One for the Clerk of the Generall Aſſembly, One for the Clerk of the Houſe of Burgeſſes and One for each of the two Clerks of your Committees

That the Garretts in the Roofe be boarded and So be made capable of holding ſeverall neceſſary things and other vſes—

If you think fit to ſell or leaſe the houſes built for the Workmen at the Capitol I will either buy them or take a Leaſe of them—

According to my directions to Mr *Treaſ*^{r} he has prepared his accounts and tells me they are ready when ever your Houſe ſhall think fit to call for them

Aprill 27th 1704 *ffr: Nicholſon*

Ordered That the ſaid Meſſage lye upon the table.

A Committee for receiving inſpecting and Examining Mr *Treaſurers* Accounts.

Mr *Marrable*.....Mr *Turbervil*

Mr *Edwards*.....Mr Wm *Robinſon*

Ordered That the ſaid Com^{tee} report their proceedings therein to the Houſe

The Houſe adjourned til to morrow morning nine a Clock

Fryday April 28th 1704

A PETITION of *Joſhia Shipp* praying liberty to keep a fferry on *Rappahannock* River. being referred from the Council was read

Ordered That the ſaid Petition be referred to the conſideracõn of the Committee of Propoſitions and Greivances to report their opinions therein

Mr *Randolph* from the Committee of Propoſicons and Greivances reported that the ſaid Committee had taken into conſideration ſeverall of the matters to them referred and

and therein had agreed upon Severall reſolutions which he read in his place and afterwards delivered them in at the table where being againe read the Houſe proceeded to the imediate conſideration thereof.

And upon conſideration of the report of the ſaid Com^tee made upon a Greivance from *Prince George* County complaining that the laws now in force reſtraining vnruly horſes is only from the twentieth of *July* to the laſt of *October*

The Houſe agreed to the report of the Committee *Viz^t*

Reſolved That a Clauſe be added to the law for improveing the Breed of horſes for reſtraining all vnruly horſes whatſoever doing Damages to any perſon within their incloſed ground from time to time and at all times whatſoever

Ordered That it be an Inſtruction to the Committee appoynted to prepare a Bill for preſerving the Breed of horſes to add a Clauſe to the ſaid Bill according to the ſaid Reſolve—

And upon conſideration of the report of the ſaid Com^tee made upon a Ppoſition of *Prince George* County that a law be made for aſcertaining the value of money—

The Houſe agreed to the report of the Com^tee *vizt*

That the ſame is anſwered by a report of y^e ſ^d Com^tee on a greivance of the ſame nature from *Princeſs Anne* County reported to the Houſe Yeſterday—

And upon conſideration of the report of the ſaid Com^tee made upon a Propoſition from *Prince George* County that the Law for aſcertaining the tare of Tobacco Hoggsheads be revived—

The Houſe agreed to ye report of the ſaid Com^tee *vizt*

That the ſame is anſwered by the report of the ſaid Committee given into the houſe Yeſterday upon a Propoſition of the ſame nature from *Charles City* County.

And upon conſideration of the report of the ſaid Comm^tee made upon a Greivance from *Prince George* County that the Laws now in force for prohibiting Negroes, Mulattoes, and Indians from marrying with any *Engliſh* hath not had its deſired effect.

The Houſe agreed to the report of the Com^tee *vizt*

That the Laws ſufficiently provide for the ſame And therefore

Ordered That the ſaid Greivance be rejected.

And upon conſideration of the Report of the ſaid Com^tee made upon a Propoſition from *Prince George* County That Mulattoes and Indians be P^rhibited from keeping Chriſtian Servants.

The Houſe agreed to the report of the Com^tee *vizt*

That the ſame be conſidered when the Reviſall of Laws comes vnder the conſideration of the Houſe—

And upon conſideration of the report of the ſaid Com^tee made upon a Propoſition of *Henrico* County That the Law made in the year 1665 So farr as relates to the harbouring entertaining and imploying Indians might be revived.

The Houſe agreed to the report of the Com^tee *vizt*

Reſolved That a Bill be prepared provideing againſt any Entertaining harbouring or imploying Indians to hunt upon any Lands belonging to her Maj^tie Subjects.

Ordered That it be referred to Mr *Randolph* and Mr *Epes* to p^rpare and bring in the ſaid Bill

And upon conſideration of the report of the ſaid Committee made upon a Propoſition from *Henrico* County, That the Auditor may iſſue Certifycates for Rights for the taking vp and Pattenting of Land at twenty five pounds of Tobacco or two ſhillings and Six pence for each Right

The Houſe agreed to the Report of ye Com^tee *vizt*

Reſolved That the ſaid Propoſition be rejected

And upon conſideration of the report of the ſaid Com^tee made upon that part of the meſſage from his Excēlly and the Honble Council on the 27th Inſtant relateing to the time of Shipps Sayling from *England* deſigned for this Country deſireing the Houſe

to

to give their reaſons for their former Reſolve upon that matter, and alſo concerning the time of Shipps ſayling from this Cõuntry for *England* in time of Warr

The Houſe agreed to the reaſons propoſed by the Committee in theſe words.

1st By their comeing againſt the laſt of *Auguſt* or beginning of *September* the Shipps may probably be here in *November* by which time good part of the Tobacco will be ſtript and packed, and by the time the Shipps have delivered their Goods and are in readineſs to take in their Ladeing near all the Tobacco in the Country will be ready.

2dly If they ſtay til the Spring before they come upon this Coaſt they have comonly long Voyages occaſioned by Weſterly winds and very hard and Violent wether which often happens between *Chriſtmas* and the laſt of *March* as the maſters by frequent Experience (and perticularly this year) have found.

3dly By their being here about *November* they may be ready to go home in *April* or *May*, and by their not lying in the Summer here, the Shipps will not be injured by the Worm, neither will their men be Subject to Sickneſs as they are in *July* and *Auguſt* &c

4^{thly} By going home in the Summer they may have good wether and moderate winds So that if they have good Convoys they may be kept together and carryed ſafe home—

And upon conſideration of the report of the ſ^{d} Comittee made upon that part of his Excells and the Honble Councills ſaid meſſage relateing to Imbargoes.

The Houſe agreed to the report of the Com^{tee} *vizt*

Reſolved That it is neceſſary and for her Majeſts and this Countrys Service and Intereſt that all Shipps that deſign for *England* be Imbargoed until the reſpective ffleets are ready and then that they ſayl under good Convoys according to her Maj^{te} Royall Inſtructions

And upon conſideration of the report of the ſaid Committee made upon that part of his Excells and the Honble Councils ſaid meſſage relateing to the fixing a certain time for Commodores to ſtay after their Arrivall by reaſon of many ſhipps arriving after the Commodore and other accidents that retard the Shipps ladeing, So that they may not be ready to Sail the time perfixt for the Commodores ſtay.

The Houſe agreed to the report of the Committee *vizt*

Reſolved That it is not for her Majeſts Service nor the Intereſt of this Country and Merchants trading hither that the Commodore ſhould be abſolutely limitted to any certain time but that a lattitude be left in his Inſtrucc̃ons to P^{r}ſue the advice and directions of the Governour and Council in caſe the Shipps cannot be ready to ſayl by the time p^{r}fixt

Reſolved That a meſſage be p^{r}pared in writing to acquaint his Excells with the Subject matter of the aforeſaid reaſons and reſolves.

Ordered That it be referred to the Committee of Propoſitions and Greivances to p^{r}pare and bring in the ſaid meſſage—

And upon conſideration of the report of the ſaid Comm^{tee} made upon the propoſition of Mr *William Randolph* and Mr *Miles Cary* two of the members of the Houſe That perſons committing Capital Crimes be brought to the Publick Goal—

The Houſe agreed to the report of the Com^{tee} *vizt*—

Reſolved That a Bill be prepared for the ſame

Ordered That it be referred to the Com^{tee} of propoſic̃ons & Greivances to prepare and bring in the ſaid Bill

And upon conſideration of ye report of the ſaid Comm^{tee} made upon his Excells meſſage on the 25th of this Inſtant concerning perſons ſeating ffrontier plantations according to the Act of Aſſembly made Anno 1664.

The Houſe agreed to the report of ye Com^{tee} *vizt* That the ſaid Act being in a great meaſure unpractable was never complyed with and if it ſhall now be put in Execution it would tend to the utter ruine of ſome thouſands of poor people without any Service to the Country. therefore

Reſolved

Reſolved That a Bill be prepared to repeal the ſaid Act

Ordered That it be referred to the Committee of propoſitions and Greivances to p'pare and bring in the ſaid Bill

Upon conſideration of the report of the ſaid Com^{tee} made upon that part of his Excells meſſage of the twenty fifth Inſtant relateing to dividing Severall P'iſhes therein menconed.

The Houſe agreed to the report of the Com^{tee} *vizt* That that part of the ſaid meſſage that relates to dividing St *Peters* Pariſh in *New Kent* County and alſo that which relates to *Sittenborne* Pariſh in *Rappahannock* river is already anſwered by Reſolves of ye Houſe, and as to what relates to the other Pariſhes ſufficient Proviſion is made in the Reviſal of the Lawes.—

Mr *Marrable* from the Committee appointed to inſpect Mr *Treaſurers* Accounts reported the proceedings of the ſaid Com^{tee} which he delivered in at the table where being read—

Ordered That the ſaid report lye upon the Table

Ordered That Mr *Henry Cary* lay before the Houſe the amounts of the Diſpoſition of the money payd him for the building of the Capitol &c together with the proceedings of ye Committee appointed to inſpect and overſee the ſaid Building—

Ordered That the Clerk of the Houſe lay before the Houſe what Books and papers he has in his poſſeſſion relateing to the diſpoſition of the money raiſed by the laſt impoſition Acts upon Slaves Servants and liquors.—

Mr *William Armiſtead* a Member of this Houſe moveing for leave to bring in a propoſition concerning the keeping of Ordinarys in *Hampton* town

Leave is accordingly given him

Mr *Boughan* a Member of this Houſe moveing for Leave to bring in a propoſition concerning altering the place for keeping a ffery on *Rappahannock* River

Leave is accordingly given him

And the ſaid propoſitions being ſeverally read

Ordered That they be referred to the conſideracon of the Com^{tee} of Propoſitions and Greivances to report their Opinions therein—

Then the Houſe adjourned til to morrow morning nine a Clock

Saturday April 29th 1704

A MESSAGE from his Excelly by Mr *Robertſon*

Mr Speaker *and gentl. of the Houſe of Burgeſſes*

His Excelly commands the imediate attendance of this Houſe upon him in the Council Chamber.

And accordingly the Houſe went to attend his Excell^{y}. And being returned Mr *Speaker* acquainted the Houſe that according to his Excells Commands the houſe had been to wait on him in the Council Chamber where he was pleaſed to make a Speech and to give him a Copy thereof with Severall Letters and Inſtructions relateing thereto and in regard his Excelly has been pleaſed to give him a Copy of his ſaid Speech he would not truſt to his memory to report the contents but read the Copy which was as followeth

Mr Speaker *and Gentlemen of the Houſe of Burgeſſes*

I hope in God you will continue to diſpatch what lyes before you with the ſame expedition which you have hitherto vſed, for which in her Majeſts name I thank you I now give your Speaker her Majeſts Royall Letter of the 20th of *April* 1703 concerning Preſents &c being made to Govern^{rs} &c and I recommend to you to have it recorded in your Journal according to her Majeſts Royall Commands

I have received a Letter dated *May* 21th 1703 from the R^{t} Honble the Lords Commiſſ^{rs} of Trade and Plantations concerning her Majeſts Province of *New York* which I now give to the Honble Mr *Speaker*

What

What you defired of me laft Seſſions concerning this Affair I have ſent to their Lordſhipps, As likewiſe to the Rt Hoñble *Daniel* Earl of *Nottingham* her Majeſties Principall Secretary of State but as yet I have not had the Honr to receive any anſwer but what I have had I now give your Speaker.

Gentlemen.

There are ſome Acts of Aſſembly now expired which I recommend to you to have revived And I now give the Honble Mr *Speaker* a Copy of two of her Majeſties Royall Inſtructions to me concerning the Eaſing the Levy by the Poll and laying an Impoſition vpon Liquors, I hope Gentl. you are all well ſatisfyed that what money did ariſe by the Impoſition Acts on Liquors, Servants and Slaves hath been diſpoſed of according to the true intent and meaning of the ſaid Acts and no otherwiſe And you may be aſſured that whilſt I have the great Honour and happineſs to be her Majeſties Govern here what moneys ſhall be raiſed by virtue of any Acts ſhall be appropriated for the vſes therein menc̃oned

If you think proper now to go upon the Reviſall of your Laws I recommend to you to let me know it becauſe I muſt then communicate to you a great many of her Majeſties Royall Inſtructions to me, And likewiſe Orders from the Rt Honble the Lords Commiſſrs of Trade and Plantations. That this Seſſions may end as well as it has begun is the moſt hearty wiſhes and prayers of

Aprill 29th 1704 *ffr: Nicholſon*

Reſolved That the Houſe will take into conſideration his Excells ſaid Speech and papers thereto relateing on *tueſday* next

Ordered That the Houſe be called over on *tueſday* next at twelve a clock

Then the Houſe adjourned til *monday* morning ten a clock

Monday May the 1ſt 1704

MR *Randolph* from the Committee of Propoſic̃ons and Greivances reported that the ſaid Committee had according to order prepared a written meſſage to his Excells and the Honble Council as an anſwer to the Subject matter of their meſſage of the 27th of *April* and that they had likewiſe conſidered his Excells and the Honble Councils meſſage of the ſame date relateing to the *ffrench* Refugees ſeated at *Mannikin* Town &c and have agreed upon Severall reſolutions therein, which Meſſage and Reſolutions he read in his place and then delivered them in at the table where the ſaid meſſage was again read and after a ſmall Amendment therein made, the Houſe agreed to the ſame as followeth—

May it pleaſe yor Excells and Honrs

The Houſe of Burgeſſes having taken into conſideration your meſſage of the twenty ſeventh of *April*, according to the Subject matter therein contained have come to Severall reſolutions And to the end they may the better comply with what is propoſed by yor Excells and Honrs in giving their reaſons for their reſolve. of the 26th of *April* concerning a propper time for Shipps bound hither to Sayl from *England* they take leave to alter their former method upon this occaſion and to anſwer by a meſſage in writeing—The reaſons which induced the Houſe to their aforeſaid Reſolve of the 26th of *April* were as follows—

1ſt If Shipps fit out from *England* about the latter end of *Auguſt* or beginning of *September* they may probably be here in *November* by which time great part of the Tobacco may be ſtript and packt and by the time the Shipps have delivered their Goods here and are in readineſs to take in their ladeing near all the Tobacco in the Country may be ready

2dly If ſhipps ſtay til the Spring before they come upon this coaſt they have comonly long Voyages occaſioned by Weſterly Winds and very hard and violent wether

wether which often happens between *Chriſtmas* and the laſt of *March* as the maſters by frequent Experience and perticularly this year have found—

3dly.....Shipps by their being here about *November* may be ready to go hence in *April* or *May* and by their not lying here in the Summer they will avoid the Worme, neither will the men belonging to them be ſubject to Sickneſs as they are in *July* and *Auguſt.*

4^{thly}.....Shipps by their going home in the Summer in all probability may have good wether & moderate winds So that if they have good Convoys they may be kept together and carryed ſafe home.

Concerning Imbargoes The Houſe of Burgeſſes are of Opinion that it is neceſſary and for her Majeſties and this Countrys Service that all ſhipps that deſign hence for *England* in time of Warr be imbargoed til a ffleet can be made vp And that then ſuch ffleets ſayl vnder good Convoys according to her Majeſties Royall Inſtructions.

Laſtly. The Houſe takeing into conſideration the moſt propper and convenient time for ffleets to ſayl from hence in time of Warr came to this reſolution

That it is not for her Majeſties Service nor the Intereſt of this Country and Merchants tradeing hither that the Commodore ſhould be abſolutely limitted to any certain time but that a Lattitude be left in his Inſtructions to perſue the advice and Directions of the Governour and Council here in caſe the Shipps cannot be ready to Sayl by the time perfixt

Ordered That the ſaid meſſage be fairly tranſcribed and ſigned by Mr *Speaker* and that the Committee of Propoſic̃ons and Greivances carrye the ſame to his Excellency and the Honble Council—

A Certifycate of the Honble *John Cuſtis* and *Philip Ludwell* Eſq^{rs} two of her Majeſts Honorable Council was read wherein they certifye that purſuant to a Commiſſion vnder the Seal of the Colony to them directed by his Excc̃lly, they had Admiñſtred the oathes appointed by Act of Parliment to be taken inſtead of the Oathes of Allegiance and Supremacy, the Oath menconed in an Act Entituled *an Act for the further Security of his Majesties perſon and the Succeſſors of the Crowne in the Proteſtant line and for Extinguiſhing the hopes of the pretended Prince of* Wales *and all other Pretenders and their open and Secret Abettors and for declareing the Aſſociation to be determined.* As alſo the Teſt and Oath of a Burgeſs unto *William Churchil* Gent. returned a Burgeſs to Serve in this general Aſſembly for *Middſex* County in the room of *Edwin Thacker* deceaſed, and likewiſe to *John Walker* Gentleman returned a Burgeſs for *King* and *Queen* County in the room of *William Leigh* gent. deceaſed.

A Letter from Mr *Anthony Armiſtead* a member of this Houſe was read wherein he deſires leave to go home for the recovery of his health

And thereupon Leave was accordingly given him—

Then the report of the Committee made upon his Excc̃lls and the Honble Councils meſſage of the twenty ſeventh Inſtant relateing to the *ffrench* Refugees ſettled at the *Mannikin* town and at the head of *York* river &c was read at the table And thereupon the Houſe took into imediate conſideration ſome part thereof

And upon conſideration of the report of the ſaid Committee made upon that part of his Excc̃lls and the Honble Councils meſſage of the 27th of *April* recommending to the conſideration of the Houſe Severall papers relateing to the *ffrench* Refugees and their Settlement

The Houſe agreed to the report of the Com^{tee} *vizt*

That *David Minetries* mentioned in the ſaid Papers ought to be obliged to do Juſtice in the matter complained of unto the reſt of the Society of the Refugees and that his Excc̃lly and the Honble Council are the moſt proper Judges of that affair and can give the beſt directions therein

That

That the Goods ſent by ſeverall charitable perſons in *England* for the releif of the *ffrench* Refugees in this Colony may be beſt diſpoſed of by the direction of his Excēlly and the Honble Council according to the true intent of the Donors.

And upon conſideration of the report of the ſaid Comittee made upon the other part of his Excēlls and the Honble Councils meſſage of the 27th Inſtant relateing to divers ill practices of two Indian Traders belonging to this Government in ſtirring up Warr againſt a nation of Indians under the Government of *Corolina*.

The Houſe agreed to the report of the Com^tee^ *vizt* That ſuch actions ought not to meet with any Encouragem^t^ and therefore recommend it to his Excēlly that he will pleaſe to reprimand ſuch as have already given offence therein and to forbid the like practices for the future And for the better preſervation of friendſhipp and good correſpondence between this Government and *Carolina* that he will pleaſe to write to the Govern^r^ of that Province deſireing him to give the like Caution to all ſuch Traders as are in his Government—

Ordered. That the remaining part of the report of the ſaid Com^tee^ not yet conſidered be taken into conſideration of this Houſe on *Wedneſday* next—

Reſolved That this Houſe will take into conſideration his Excēlls firſt Speech made to the houſe this Seſſion on *Thurſday* next.

Mr *William Robinſon* reported that the perſons to whom it was referred to p^r^pare and bring in a Bill for dividing *Sittenburn* Pariſh had prepared the ſaid Bill wch he delivered in at the table and thereupon The ſaid Bill being read the firſt time

Ordered. That it be read a Second time

Then the Houſe proceeded to the conſideration of his Excēlls meſſage to the houſe on the 27th of *April* and after ſome time ſpent in debate the Houſe came to theſe reſolutions following—

Reſolved That the Old houſes belonging to Mr *John Page* ſtanding in the middle of *Glouceſter* Street be pulled downe

Reſolved That the ſaid Houſe be valued by four men upon oath

Ordered That the Sherriff of *York* County forthwith Summons four ffreeholders of his County, and that the ffreeholders So Summoned being Sworn before one of her Majēſts Juſtices of Peace for the ſaid County Value the Old Houſe belonging to Mr *John Page* ſtanding in the middle of *Glouceſter* Street, and make returne of their proceedings therein to the Houſe with all convenient Expedition—

Reſolved That the Houſe doth agree to his Excēlls Propoſition in his meſſage to this Houſe on the 27th of *April* in theſe words.

That each of the Garretts of the Eaſt and weſt ffronts of the Capitol be divided into four roomes and thus appropriated *vizt*

One for the Auditor, One for the Secretary, One for the Judg of ye Vice admiralty, One for my Lord Biſhopp of *London*s Commiſſary, One to keep all the Collectors Accounts and Papers which are to be returned every eighteen months, and One for the Navall Officers to be imployed for y^e^ ſame vſe, One for the Attorny Generall and One for ye Sherriff attending the Gen^ll^ Court.

That the Garrett over the Conference room be divided into four cloſetts to be thus appropriated *vizt*

One for the Clerk of the Geñ^ll^ Aſſembly, One for the Clerk of the Houſe of Burgeſſes and One for each of the two Clerks of the Committees

That the Garretts in the Roof be boarded and ſo be made capable of holding ſeverall neceſſary things and other vſes.

Reſolved That it be left to his Excēlly the Govern^r^ to make his choice whether he will buy or leaſe the houſes built for ye Workmen at the Capitol—

Ordered That Mr *Bird*, Mr *Hayne*, M^r^ *ffoſſaker* Mr *Smith*, Mr *Henry Aſhton*, and Mr *Hoe* carrye the ſaid Reſolves to the Council and deſire their Concurrence thereto—

Then the Houſe adjourned til to morrow morning nine a Clock.

Tueſday

Tuesday May the 2d 1704

THE Information of Mr *John Walker* concerning two *Chickahominy* Indians being referred by his Excēlly and the Council to ye conſideration of the houſe was read—

Ordered That the conſideration of the ſaid Informacon be referred to the Committee of Propoſicons and Greivances to report their opinions therein—

A Certifycate of the Hoñble *Henry Duke* and *John Smith* Eſqre two of her Majeſts Honble Council was read wherein they certifyed that purſueant to a Commiſſion vnder the Seal of the Colony to them directed by his Excēlly they had adminiſtred the Oathes appointed by Act of Parliment to be taken inſtead of ye oathes of Allegiance and Supremacy, the Oath menconed in the Act Entituled *an Act to declare yr Alterations in the Oath appointed to be taken by the Act Entituled An Act for the further Security of his Majeſts Perſon and the Succeſſion of the Crowne in the Proteſtant Line and for Extinguiſhing the hopes of the pretended Prince of* Wales *and all other Pretenders and their Open and Secret abettors and for declareing the Aſſotiation to be determined.* As alſo the Teſt and Oath of a Burgeſs unto *Edward Hill* and *Drury Stith* gent Burgeſſes returned to Serve in this Generall Aſſembly for the County of *Charles City*

Mr *Corbin* from the Committee of Elections and Priviledges reported that the ſaid Committee had taken into conſideration the Severall Returns on the writts committed to them and therein had come to ſome reſolutions which he read in his place and then delivered them in at the table where being againe read the Houſe took the ſame into imediate conſideration and after ſome Amendments therein made agreed to the ſaid reports as followeth

Reſolved That Mr *William Churchill* is duly returned Burgeſs to ſerve in this preſent Generall Aſſembly for the County of *Middleſex* in the room of Mr *Edwin Thacker* deceaſed—

Reſolved. That Capt *John Walker* is duly returned Burgeſs to Serve in this prſent Genll Aſſembly for the County of *King* and *Queen* in the room of Cōll *William Leigh* decēd—

Reſolved That Leivt Cōll *Edward Hill* and Mr *Drury Stith* are duly returned Burgeſſes to Serve in this preſent Generall Aſſembly in the County of *Charles City.*

The Houſe according to order was called over and the abſence of ſuch Members as did not appear was Excuſed.

Then the Houſe according to the order of the day took into conſideration his Excēlls Speech (and papers thereto relateing) made to the Houſe on *Saturday* laſt, and after ſome time ſpent in debate came to theſe reſolutions following—

Reſolved and accordingly *Ordered.*

That perſuant to her Majeſts Royall Commands her Majeſties Letter dated the twentieth day of *April* 1703 concerning Preſents to Governrs &c be Regiſtrd in the Journall of this Houſe. And the letter was as followeth.

Anne. R.

Truſty and well beloved,

We greet you well, whereas Severall Inconveniencys have ariſen to our Governmt in the Plantations, by Gifts and Preſents made to our Governrs by the Generall Aſſemblies Wee have thought fit hereby to ſignifye our Expreſs will and pleaſure that neither you or Governr, nor any Governor, Leivt Governr Commander in cheif, or preſident of this Council of our Colony of *Virginia* for the time being. do give your or their conſent to the paſſing any Law or Act for any Gift or Preſent to be made to you or them by the Aſſembly, and that neither you nor they do receive any Gift or Preſent from the Aſſembly, or others on any account or in any manner whatſoever upon pain of our higheſt diſpleaſure and of being recalled from that our Government.—

And wee do further direct and require, that this Declaration of our Royall Will and Pleaſure be Communicated to the Aſſembly at their firſt meeting after your Receipt hereof

hercof and entred in the Regiſters of our Council and Aſſembly. That all perſons whom it may concerne may governe themſelves accordingly, So we bid you farewell Given at our Court at St *James*'s the 20th day of *April 1703* In the Second year of our Reign

By her Majeſties Command

Nottingham

Reſolved That that Paragraph of his Excēlls Speech relateing to her Majeſties Province of *New York* be conſidered when his Excēlls firſt Speech made to the Houſe this Seſſion is taken into conſideration—

Reſolved That the late Impoſition Acts upon Servants Slaves and Liquors be revived.

And then a debate arifeing and the queſtion put whether the late Impoſition Acts upon Servants Slaves and Liquors be revived for twelve months

Reſolved In the Affirmative.

Ordered That it be referred to the Committee for publq Claims to prepare and bring in a Bill according to the ſaid Reſolves—

Reſolved That it is the opinion of this Houſe—

That this Seſſion is not a convenient time to go upon the Reviſall of the laws.

A Bill for dividing *Sittenburn* pariſh being read the ſecond time.

Ordered That the ſaid Bill be committed to the perſons who prepared the ſame for Amendments.

The Houſe adjourned til to morrow morning nine a Clock.

Wedneſday May the 3^d 1704

MR. *Randolph* from the Committee of Propoſicons and Greivances reported that the ſaid Committee had according to order prepared three Bills *vizt*—

A Bill for tareing and aſcertaining the Size of Tobacco hogſh^ds

A Bill to repeal the Second Act of Aſſembly made in the year 1664 Entituled *An Act for the ffrontiers to be Seated with four able hands.*

A Bill for reviving the Act for the better Improveing the Breed of Horſes. and for reſtraining Vnruly horſes and preſented the ſaid Bills at the table—

Mr *Randolph* reported that the perſons to whom it was referred to prepare and bring in a Bill to prevent Indians hunting and ranging upon Patented Lands had p^rpared the ſaid Bill which he delivered in at the table—

M^r *ffoſter* reported that the perſons to whom it was referred to prepare and bring in a Bill for Dividing St *Peters* Pariſh in *New Kent* County had p^rpared the ſaid Bill wch he delivered in at the table—

Mr *Walker* a Member of this Houſe moving for leave to bring in his Petition wherein he prays Satisfaction for Severall Diſburſements by him made on account of the tryall of his two Servants for Coyning of falſe money—

Leave is accordingly given him

And the ſaid Petiçon being read

Ordered That it be referred to the Com^tee for Publick Claimes to report their Opinions thereon—

Then the Houſe according to the ord^r of the day took into conſideration that part of the report of the Committee of Propoſitions and Greivances relateing to the Settlement of the *ffrench* Refugees at the *Mannikin* town reported On the firſt of this Inſtant and not then conſidered and after Some time Spent therein came to theſe reſolutions following

Reſolved That ten thouſand Acres of land be laid out at the *Mannikin* town and appropriated to the Uſe of the *ffrench* Refugees there Setled.

Reſolved

Reſolved That every *ffrench* Refugee inhabiting at the *Mannikin* Town and parts adjacent have liberty to take vp ſo much of the ſaid ten thouſand Acres as will make his quantity (already taken vp) One hundred thirty three acres.

Reſolved That the ten thouſand Acres of land appropriated for ye vſe of y^e^ *ffrench* Refugees ſetled at the *Mannikin* Towne, be laid out ſo as to include the lower Settlement on the river and thence running along the river vpwards So as to include the Upper Settlement and thence running So farr back into the woods as will give the quantity of ten thouſand acres—

Mr *Covington* from the perſons to whom the Bill for Dividing *Sittenburn* Pariſh was committed for Amendments reported that they had made ſeverall Amendments to the ſaid Bill which he was directed to report to the Houſe and then delivered the ſaid Bill and Amendments in at the table, where the ſaid Amendments being twice read—

Ordered That the ſaid Bill with the Amendments be ingroſſed and read a third time.—

A written meſſage from his Excēlly by Mr *Robertſon* who brought with him two other written meſſages from his Excēlly and the Honble Council—

A written meſſage from the Houſe to his Excēlly & the Honble Council with A Propoſall of an amendment to be made thereto—

A Warrant to the Sherriff of *York* County for Summoning four freeholders of his County to value the old houſes belonging to Mr *John Page* ſtanding in the middle of *Glouceſter* Street—

An order of Council Dated *April* 29th 1704.

The Reſolves of the Houſe on *Monday* laſt aſſented to by his Excēlly and the Honble Council

The ſaid Meſſage from his Excēlly being read as followeth—

*M^r^* Speaker *and Gentlemen of ye Houſe of Burgeſſes*

Since I find by yor Reſolve of Yeſterday Sent to my Self and her Majēſts Honble Council that you have (according to my Propoſalls) given directions in ſeverall matters relateing to the Capitol I take this Opertunity to acquaint you that I have directed Mr *Henry Cary* to mark out the Bounds of the Square belonging to this Building, and I recommend to you to view the ſame, and if you find any cauſe to alter yor former directions therein that it may be ordered now while you are together, And I farther recommend to you to ſend for Stones to be ſett vp to diſtinguiſh its bounds, and that the Bounds and rules of the priſon be now aſcertained, and Stones alſo Sent for and ſett vp. thereon—

The Dyal plates ſent in for the Clock being too large I recommend to you to direct what ſhall be done with them and how others may be provided in their ſtead—

If you find any thing neceſſary to be done about your own houſe or offices thereunto belonging I recommend to you to conſider of it now becauſe I intend God willing to have the building finiſhed before an other Seſſion of Aſſembly. And for beautifying the room where yor Houſe Sitt I P^r^poſe for you to ſend for the Queens Armes in Glaſs for the Great window, the Armes of *Virginia* for One of the Ovall windowes and what other Ornament you may pleaſe for the other of the ſaid Ovall windowes, and I deſire you will now give directions who ſhall take care of removeing the Records and Papers of your Clerks office when the room is fitted for them—

May the 3^d^ 1704 *ffr: Nicholſon*

The Houſe took the ſame into imediate conſideration and after ſome time ſpent therein came to theſe reſolutions following—

Reſolved and accordingly *Ordered.*

That the Committee for publick Claimes view the bounds of the Square markt out belonging to the Capitol.—and report their proceedings therein to the Houſe to morrow morning.

Reſolved and accordingly *Ordered*

That ten acres of land be laid out for the bounds and rules of the Priſon

Reſolved

Reſolved and accordingly *Ordered*

That Stones be ſent for and ſett vp to diſtinguiſh the bounds of the Square markt out for the Capitol and the bounds and rules of the priſon

Reſolved and accordingly *Ordered*

That the Dyal plates ſent in for the Clock be diſpoſed of by the Committee appointed to inſpect & Overſee the building of the Capitol as they ſhall think fit

Reſolved and accordingly *Ordered*

That Dyal plates for the Clock be drawn on the Square of the Cupulo

Reſolved That the Overſeers appointed to overſee the building of the Capitol hath miſtaken the Directions of this Houſe And therefore

Ordered That he cauſe the partitions on the ſecond floore over the roome where the Burgeſſes ſitt to be pulled downe and that he purſue the former Reſolves of ye Houſe concerning the ſame—

Reſolved That it is not convenient to ſend for the Queens Armes in Glaſs for the great window in the room where the Burgeſſes ſits nor for any Ornaments for the Oval windowes in the ſaid Room

Reſolved That the *Virginia* Armes be ſent for, and that they be ſett vp in the room where the Houſe of Burgeſſes Sitt—

Reſolved and accordingly *Ordered*

That the Clerk of the Houſe of Burgeſſes remove the Records and papers belonging to the Aſſembly Office to the Capitol when there ſhall be a room fitted for them—

A Meſſage from his Excēlly and the hon^ble^ Council was read as followeth

By his Excēlly and the Honble Council

*M^r^* Speaker *and Gentlemen of ye houſe of Burgeſſes*

Whereas many times Shipps come in hither from *England* and the plantations to load Tobacco who by reaſon of their late Arrival or other Accidents cannot be ready to Sail with ye Convoys appointed for our fleets, ſo that they are conſtrained to lye a long time in expectation of another Convoy to the no ſmall Loſs of the Owners and ffreighters; His Excēlly and the Council deſire the Opinion of Your Houſe whether it will not be of very great Service to her Majeſty and the intereſt of all perſons tradeing hither, if when any of her Majēſts Shipps of Warr return from the *Weſt Indies* having no merchant Shipps under their Convoy, they be ordered to call in here, and ſtay ſome ſmall time for ſuch ſhipps as ſhall be ready to proceed with them for *England* his Excēlly and the Council do conceive that it will be rather an Advantage than a Prejudice to ſuch ſhipps of Warr becauſe they may thereby have an opertunity of takeing in freſh proviſions and water which are often much wanted in thoſe Voyages, And as the men of Warr from *Jamaica* muſt come through the Gulph, their calling in here will not Loos much time and for their ſtay in this Country it may be rendered very ſhort, if the Commanders be directed to give notice to the Govern^r^ here of the time they may be Expected, that ſo the Ships may p^r^pare themſelves againſt their comeing, If the Men of Warr come from *Barbadoes* or the *Leward* Iſlands, it will be a fitt Opertunity for all Shipps and Veſſells trading from thence to the North parts of *America* to come vnder that Convoy, which will be a great Advantage to the trade of thoſe parts And it is well known that laſt ffall when the news came here that two men of Warr were comeing hither from *Jamaica* it was a very great Satisfaction to the Country and divers Shipps which could not Sayl with Commodore *Simmonds* made ye neceſſary p^r^parations for going with that Convoy.

And in like manner, when the Shipps of Warr attending the Governments of *New York* and *New England* are Ordered home it will be no great Loſs of time for them to call in here for ſuch Shipps as ſhall be ready to joyne them, of which they may have ſpeedy notice by Expreſs over land and ſuch as intend to go under their Convoy will be ready again if they arrive here—

May the 2^d^ 1704:

Reſolved that the Houſe do agree to the Propoſition contained in the ſaid Meſſage—

Then

Then another meſſage from his Excēlly and the Honble Council was read as followeth—

By his Excēlly and the hon^{ble} Council

Mr Speaker *and Gentlemen of the Houſe of Burgeſſes*

His Excelly and the Council having by former meſſages laid before your Houſe divers matters and propoſitions relateing to the trade of this Country, whereunto they have lately received Suitable Anſwers, they think this a good opertunity to adviſe of ſome further ways and means whereby her Majēſts Intereſt and Service and the good of this Country in relation to its trade may be promoted. And in order thereunto they deſire the Opinion of your Houſe what quantity of Tobacco may probably be left in the Country after the preſent ffleet is fayled—

His Excēlly and their Hon^{rs} are of opinion that the want of Shipps to Export all the Tobacco is a great Loſs to her Majeſty in her Cuſtomes, and alſo to the Traders and Planters here; for it is obvious to any one that is converſant in this trade, that all Sorts of Tobacco, but more eſpecially *Oronoco* is much diminiſhed both in weight and goodneſs, by its lying long in the Country beſides that the want of Shipps to carry off the Tobacco is a great Diſcouragem^{t} to the planting thereof.

His Excēlly and the Council do likewiſe deſire y^{r} opinion how the Country is at preſent provided with goods and eſpecially ſuch as are propper for Cloathing for the Comon people, Servants and Negroes, and herein they cannot but think it a very pregnant reaſon for the Early diſpatching the ffleets from *England* So as that they may be here before winter, becauſe of the great Damage that may^{1} to all ſorts of perſons in this Country if they have not their cloathing in due time; an Inſtance of this may be given this laſt ffleet, and had not God of his mercy favoured us with a mild ffall and Winter the Conſequences might have been more fatall

Another Inconveniency which ariſes from the late arrival of ffleets in this Country is, that what woollen cloathing is brought in for comon People Servants &c if it doth not come til the Spring it is then altogether vſeleſs for it cannot be worne in the hot wether, and before next Winter it is in danger of being ſpoiled by the Moth, from which it cannot be preſerved but with great diſiculty. The like Damage doth almoſt ever happen to goods that lye long on board the Shipps, as this laſt ffleet hath manifeſted to the coſt of many in this Country. So that upon the whole matter his Excēlly and the Council leave it to yor Conſideracon whether it would not be very much for her Majēſts Service, and Intereſt and the good of this Country and all Traders to it, that Sufficient number of Shipps be ſent hither Once every yeare for carrying of our Tobacco, and whither it would not be of like advantage that Suitable Encouragement be given for bringing in goods eſpecially of the courſer ſort which are moſt wanted. And Laſtly whether it would not be for the intereſt of trade and the generall Satisfaction of the Country, if when by Imbargoes in *England* the ſhipps are detained longer then the vſual time, that an advice boat be ſent to give notice thereof and of the time which they may be Expected, which will prevent the vneaſineſs that's created in the Country by Vncertain rumo^{rs} and reports

May the 3^{d} 1704

Ordered. That the ſaid meſſage lye upon the table

Then the amendment propoſed by the Council to the meſſages in writing ſent by the Houſe to his Excēlly and the Council on the firſt of this Inſtant was read.

Ordered That the ſaid Amendment lye upon the Table.

A warrant to the ſherriff of *York* County for Sumoning four ffreeholders of his County to value the old houſes belonging to Mr *John Page* ſtanding in the middle of *Glouceſter* Street was read.

Reſolved That the Houſe do approve of the ſaid Warrant with this amendment in the ninth line leave out the word Impannell and put in the word Summons

Ordered That Mr *William Robinſon*, Mr *Drummond*, Mr *Byrd* and Mr *Thomas Weſt* fortwith carrye the ſaid Warrant with the amendment propoſed thereto by the Houſe

[1] The copy has a blank ſpace here. Evidently ſome ſuch word as "reſult" is omitted.

Houſe to his Excellency and the Council And being returned Mr *Robinſon* reported that they had according to order carryed the ſame—

Mr *Cary* reported that the Committee for Publick Claims to whom it was referred to prepare and bring in a Bill reviving the Impoſitions on Liquors, Servants, and Slaves, for One year and no longer had prepared the ſaid Bill which he delivered in at the table—

A Bill for tareing and aſcertaining the Size of Tobacco hhds was read the firſt time.

Ordered That the ſaid Bill be read a Second time—

An order of Council wherein the Commodore is Ordered to ſtay til the laſt of *May* was read—

A Bill reviving the Act for the better Improveing the breed of horſes and for reſtraining unruly horſes was read the firſt time—

Ordered That the ſaid Bill be read a Second time—

A Bill to prevent Indians hunting and ranging upon Pattented lands was read the firſt time—

Ordered That the ſaid Bill be read a ſecond time—

A Bill reviving the Impoſitions on liquors Servants. and Slaves for One year and no longer was read the firſt time—

Ordered That the ſaid Bill be read a Second time

A Bill for dividing St *Peters* Pariſh in *New Kent* County was read the firſt time

Ordered That the ſaid Bill be read a Second time

A Bill to repeal the Second Act of Aſſembly made in the year 1664 Intituled *an Act for the ffrontiers to be ſeated with four able hands* was read the firſt time

Ordered That the ſaid Bill be read a Second time.

The Houſe being informed by a Member of the Houſe that ſeverall perſons attended in Town to give in their Evidence concerning a Breach of Priviledge committed by *John Hughs* of *New Kent* County.

Ordered That it be referred to the Committee of Elections and Priviledges to call before them the ſaid Evidences and take the Subject matter of their Evidence and report their opinion thereupon to the Houſe—

The Houſe adjourned til nine a clock to morrow morning.

Thurſday May the 4th 1704.

MR. *Randolph* reported that the Committee of Propoſicons and Greivances to whom it was referred to prepare and bring in a Bill for removeing Criminalls from the Goals of the Countys where they ſhall be apprehended to the publick Goal at *Williamſburgh*, had prepared the ſaid Bill which he delivered in at the table—

Mr *Hoe* a Member of this Houſe moveing for leave to bring in ſeverall Claimes for *Stafford* County. Leave is accordingly given him. and thereupon—

Ordered That the ſaid Claims be referred to the Committee for Pūbl. Claims to examine the Subject matter thereof and report the ſame with their Opinions therein to ye Houſe

A Bill for removeing Criminals from the Goals of the Countys where they ſhall be apprehended to the Pūbl Goal at *Williamſburgh* was read the firſt time—

Ordered That the ſaid Bill be read a Second time

A meſſage from his Excēlly and the honble Council by Mr *Robertſon*.

Mr Speaker *and Gentlemen of the Houſe of Burgeſſes*

I am Commanded by his Excēlly and the Honble Council to lay before you for your Peruſall a Draft of a Commiſſion for adminiſtring the Oathes to the *ffrench* Refugees in order to their Naturalization drawne by her Majeſties Attorny Generall.—

And thereupon he delivered the ſaid Draft in at the table where the ſame was read.

A Bill Entituled *an Act for dividing* Sittenburn *Pariſh* was read the third time—

Reſolved. Nemine Contradicente

That the ſaid Bill do paſs.

A Bill for tareing and aſcertaining the Size of Tobacco Hogſheads was read the ſecond time and thereupon a debate ariſeing and ſome amendments being made therein at the table and twice read

Ordered That the ſaid Bill be ingroſſed with the amendments and read a third time

A Bill reviving the Act for the better Improveing the Breed of horſes and for reſtraining vnruly horſes was read the ſecond time, and thereupon a Debate ariſeing and ſome amendments being made therein at the table and twice read

Ordered That the ſaid Bill be ingroſſed with the amendments and read a third time—

A Bill to prevent Indians hunting and ranging upon Pattented lands was read the Second time. And thereupon a Debate ariſeing and the queſtion put

Whether the Bill ſhall be ingroſſed

Reſolved. In the Affirmative

Ordered That the ſaid Bill be ingroſſed and read a third time.

A Bill reviveing the Impoſitions on Lyquors Servants and Slaves for One year and no longer was read the Second time—

Ordered That the ſaid Bill be committed to the Committee who prepared the ſame for amendments and that the ſaid Committee make report thereof to morrow

A Bill for dividing St *Peters* Pariſh in *New Kent* County was read the ſecond time and ſome amendments being made therein at the table and twice read—

Ordered That the ſaid Bill be ingroſſed wth the amendments and read a third time

A Bill to repeal the ſecond Act of Aſſembly made in the year 1664 intituled *an Act for the ffrontiers to be ſeated with four able hands* was read the ſecond time and a Clauſe raſed out

Ordered That the ſaid Bill be ingroſſed without the ſaid Clauſe and read a third time.

Reſolved That to-morrow morning the Houſe will take into conſideracõn his Excẽlls firſt Speech made to the houſe this Seſſion together with a Clauſe of his laſt Speech relateing to the Province of *New York*—

Mr *Corbin* from the Committee of Elections & Priviledges reported that according to order the ſaid Committee had called before them the ſeverall perſons attending in Town to give in their Evidence concerning a Breach of Priviledge committed by *John Hughes* of *New Kent* County and had taken into Conſideration the Subject matter of the ſaid Evidence and had come to a reſolution thereupon which he read in his place and then deliver^{d} it in at the table—

Ordered That the ſaid report lye upon the table.

Mr *Cary* from the Committee of publick Claimes reported that the ſaid Committee had taken into conſideration the ſeverall matters of Claims to them referred and had agreed upon divers reſolutions therein which they had entered into two Books called the Books of reports of the Committee for publick Claims and had directed him to report the ſaid Books to the Houſe. and thereupon having preſented the ſaid Books at the Table—

Ordered. That the ſame do lye upon the table to be perv'ſed by the Members of the Houſe

Ordered—That the Burgeſſes of *Richmond* and *Eſſex* carry the Act for dividing *Sittenburn* pariſh which paſſed the houſe this day to the Council and deſire their Concurrence thereto—

Upon a motion made by a Member of the houſe

Ordered. That *Daniel Sullyvan* gent. returned a Burgeſs for *Nanſimond* County be Summoned by the meſſenger of this Houſe to give his imed'ate attendance on the Service of the Houſe

Then the Houſe adjourned til to morrow morning nine a Clock.

Fryday

Fryday May the 5th 1704

A CERTIFICATE of the Honble *John Cuſtis* and *John Smith* Eſqrs two of her Majeſts honble Council was read wherein they certifyed that purſuant to a Commiſſion under the Seal of the Colony to them directed by his Excellcy they had adminiſtred the Oathes appointed by Act of Parliment to be taken inſtead of ye Oathes of Allegiance and Supremacy the Oath menconed in the Act Entituled *an Act to declare the alterations in the Oath appointed to be taken by the Act Entituled an Act for the further Security of his Majeſts perſon and the Succeſſion of the Crowne in the Proteſtant Line and for Extinguiſhing the hopes of the pretended Prince of* Wales *and all other pretenders and their open and Secret abettors, and for declareing the Aſſotiation to be determined,* as alſo the Teſt and oath of a Burgeſs unto *Daniel Sullivant* Gent. returned a Burgeſs to Serve in this Generall Aſſembly for ye County of *Nanſemond* in the room of *Thomas Swan* deceaſed.

Mr *Cary* from the Committee to whom the Bill reviving the Impoſitions on Liquors Servants and Slaves for One year and no longer was committed for amendments reported That the ſaid Committee had made Severall Amendments to the ſaid Bill which he was directed to report to the Houſe and then delivered the ſaid Bill and Amendments in at the table where the ſaid Amendments being twice read and agreed to

Ordered That the ſaid Bill be ingroſſed with the amendments and read a third time

Then Mr *Cary* from the Committee for publick Claimes reported that the ſaid Committee had according to order viewed the Square laid out for the Capitol and had agreed to Some alterations to be made therein—which he read in his place and then delivered it in at the table—

Mr *Covington* reports that the perſons appointed had according to order delivered the Ingroſſed Bill intituled *an Act for dividing* Sittenburn *Pariſh* to the Council and deſired their Concurrence thereto—

Mr *Corbin* from the Committee of Elections and Priviledges reports that the ſaid Committee had taken into conſideration the Return of the writt for the Election of a Burgeſs to ſerve in this preſent Genll Aſſembly for the County of *Nanſimond* in the room of Mr *Thomas Swan* deceaſed, and thereon had come to a reſolution which he read in his place and then delivered it in at the table where being again read the Houſe took the ſame into imediate conſideration and after a ſmall amendment therein made came to theſe reſolutions following.

Reſolved That the ſaid Return is imperfect

Ordered That Mr *Edmond Godwyn* Sherriff of *Nanſemond* County be ſent for in cuſtody of the Meſſenger of the Houſe to amend his return made on the Writt for Election of a Burgeſs for *Nanſemond* County, and that Mr *Speaker* iſſue his warrant accordingly.

The return made on the warrant for Valueing the old houſes which ſtand in *Glouceſter* Street belonging to Mr *John Page* was read.—

Ordered That the ſume of three pounds be paid to Mr *John Page* out of the money in Mr *Treaſurers* hands from the late Impoſitions on Liquors Servants and Slaves—

Ordered That Mr *Henry Cary* forthwith Sett the Labourers imployed about the Building the Capitol to pull down the four old houſes and Oven belonging to Mr *John Page* which ſtand in *Glouceſter* Street and have been appraiſed and that they lay the Bricks out of the Street on the Lott of the ſaid *John Page*—

A Petition of *William Barbar* Sherriff of *York* County praying an allowance of 440 pounds of Tobacco due to him from the publick was read

Ordered That the ſaid Petition be taken into conſideration when the Book of Claimes is conſidered.

A Bill for removeing Criminalls from the Goals of the County where they ſhall be apprehended to the Publick Goal at *Williamſburgh* was read the ſecond time and a ſmall amendment being made therein at the table and twice read

Ordered

Ordered That the ſaid Bill with the amendments be ingroſſed and read a third time

An Ingroſſed bill intituled *an Act for tareing and aſcertaining the Size of Tobacco Hogſheads* was read the third time—

Reſolved Nemine Contra dicente.

That the ſaid Bill do paſs

An Ingroſſed Bill intituled *an Act reviving the Act for the better improveing the Breed of horſes and for reſtraining vnruly horſes* was read the third time

Reſolved Nemine Contra dicente

That the ſaid Bill do paſs

An Ingroſſed Bill intituled *an Act to p'vent Indians hunting and ranging upon Pattented Land* was read the third time and thereupon a Debate ariſeing and ye queſtion put

Whether the ſaid Bill ſhall paſs

Reſolved In the affirmative

An Engroſſed Bill Intituled *an Act for dividing S^t^* Peters *Pariſh in* New Kent *County* was read the third time and a ſmall amendment being therein made & thrice read

Reſolved. Nemine contra dicente—That the ſaid Bill do paſs.

An Ingroſſed Bill intituled *an Act to repeal the Second Act of Aſſembly made in the yeare 1664 intituled an Act for the ffrontiers to be ſeated with four able hands* was read the third time

Reſolved—Nemine contra dicente. That the ſaid Bill do paſs—

Ordered—That Mr *Charles Aſhton*. Mr *Hodges*, Mr *Thomas Weſt* Mr *Thorowgood*, Mr *Ball*, M^r^ *Moſs* and Mr *Smith*, forthwith carrye the Ingroſſed Bills which paſſed the Houſe this day and the Reſolves made for the payment of money to Mr *John Page* &c to the Council and deſire their Concurrence thereto.

And being returned

M^r^ *Aſhton* reported that they had delivered the ſaid Bills and Reſolves to the Council and deſired their Concurrence.

Then Mr *Robertſon* brought back the ſ^d^ Reſolves aſſented to by his Excēlly and ye Honble Council

The Houſe took into conſideration the Books of Reports of the Committee for publick Claimes and having read the ſame thorow, the Severall Articles therein contained were agreed to by the Houſe with ſuch additions and alterations as are noted downe in the Body and Mergent of the ſaid Books of reports—

Reſolved That to morrow morning the Houſe will take into conſideration his Excēlls firſt ſpeech made to the Houſe this Seſſion together with a Clauſe of his laſt ſpeech relateing to the Province of *New York*

Then the Houſe adjourned til to morrow morning nine a Clock.

Saturday May the 6th 1704

A MEMBER of the Houſe moveing that leave may be given to Mr *William Ballard* to preſent the Petition, wherein he prays an allowance for his trouble in ſending for *John Hughes* of *New Kent* County purſueant to Mr *Speakers* warrant—

Leave is accordingly given him—And—

The ſaid petition being read.

Reſolved That *William Ballard* be allowed one thouſand pounds of Tobacco and Cask. for the ſaid Service and that the ſame be added to the Book of Claimes and that So much be Levyed on the ſaid *Hughes* in the County where he dwells—

Then

Then the Houſe took into conſideration the report of the Committee of Elections and Priviledges concerning a Breach of Priviledge committed by *John Hughes* of *New Kent* County & thereupon came to the following reſolve.

Reſolved. That the ſaid *John Hughes* is guilty of a Breach of priviledge of this Houſe by vſing violence and other threatning Expreſſions to carry away or kill a Negro Slave belonging to *Nathaniel Harriſon* gent a Member of the Houſe

Ordered. That her Majeſts Juſtices of Peace for the County of *New Kent* bind *John Hughes* of the ſaid County to his good Behaviour for a year and a day.

Mr *Chicheley Corbin Thacker* late Clerk of the Secretarys Office by his information ſets forth that prſueant to a former order of the Houſe he cauſed the Loos and torn leaves at ye beginning of two Books of Patents in the ſaid Office to be fairly tranſcribed &c

Ordered That the ſame be referred to the conſideration of the next Seſſion of Aſſembly.

Reſolved That the Houſe do forthwith take into conſideracon the Allowances for the reſpective Officers that have attended this and the laſt meetings of Aſſembly, together with all ſuch further allowances as remain to be added to the Books of Reports of the Committee for publick Claimes and after ſome time ſpent therein the Houſe agreed to Severall Allowances which were added to the ſaid Books—

An Ingroſſed Bill Intituled *an Act reviving the Impoſitions on Liquors Servant and Slaves for one yeare and no longer* was read the third time—

Reſolved Nemine Contra dicente

That the ſaid Bill do paſs.

An Engroſſed Bill intituled *an Act for removing Criminalls from the Goals of the Countys where they ſhall be apprehended to the Publick Goal at* Williamſburgh was read the third time—

Reſolved Nemine Contradicente

That the ſaid Bill do paſs.

A motion being made that the Houſe forthwith proceed to the nomination of a Treaſurer of the Impoſitions ſome time was ſpent in debate and a previous queſtion put and afterwards this queſtion being put to wit.

That a Treaſurer ſhall be appointed.

Reſolved In the affirmative—

Then a Debate aroſe and the queſtion was put That Cōll *Robert Carter* be appointed Treaſurer

And It paſt in the Negative—

Reſolved Nemine Contra-Dicente

That Major *Peter Beverley*, Speaker of the Houſe of Burgeſſes be appointed Treasurer and that a Bill be prepared for it—

Ordered That it be referred to the Committee for Publick Claimes to prpare and bring in the fd Bill—

Mr *Randolph* from the Committee of Propoſicons and Greivances reported that the ſaid Committee had taken into conſideration Severall of the matters to them referred and therein had agreed upon Severall reſolutions which he read in his place and afterwards delivered them in at the table where being again read the Houſe proceeded to the imediate conſideration thereof. And upon conſideration of the report of the ſaid Committee made upon a Greivance from *Henrico* County relating to often muſtering.

The Houſe agreed to the report of the Comtee *Viz*t

Reſolved That an Addreſs be prpared to his Excēlly praying him to conſider the ſame and that Muſtering may not be ordd oftener than the Law in that Caſe enjoyns

And upon conſideration of the report of the fd Committee made upon the Petition of *John Holt* of *Hogg* Iſland relateing to the ferry ſetled on *James* River from *Surry* County to *Archers Hope* Creek. and a Petition of Mr *James Baughan*, Mr *Richard Covington* and Mr *Robinſon* members of the Houſe relateing to the ferry ſetled on *Rappahanock* (at the place called *Southings* ferry)

The

The Houſe agreed to the report of the Committee *viz*t

That the Law for regulating and ſetling fferrys being Temporary and that thoſe perſons who now keep the ſeverall fferrys having been at a great Charge in buying Boats and other neceſſarys to keep Ordinarys in Complyance with the ſaid Law It is not convenient to make any alteracõn therein until the ſaid Law is Expired.

And upon conſideration of the report of the ſaid Committee made upon the Petition of *Joſia Shipp* of *Eſſex* County praying the Liberty of keeping fferry.

The Houſe agreed to the report of the Committee *viz*t

That in regard the ſaid *Shipp* in his Petition acknowledges himſelf aged and not capable of labour he is not fit for that Imploy and therefore

That the ſaid Petition be rejected

And upon conſideration of the report of the ſd Committee made upon that part of his Excells and the Honourable Councils meſſage of the 27th of *April* 1704 relateing to a Complaint made by the Militia of *James City* County that the Keeper of the fferry on *Chickahominy* River refuſes to ſett them over to the Genll muſter—

The Houſe agreed to the report of the Comtee *viz*t

That it would be an Impoſition on the fferry man to be obliged to Sett the Militia over the fferry without pay and that in regard it is neceſſary for the ſaid Militia's paſſing, Satisfacion ought to be made by the Country for the ſame—

And upon conſideration of the report of the ſaid Comtee made upon that part of his Excellys and the Honorable Councils meſſage of the twenty ſeventh of *April* 1704 relateing to appointing fferrys at ſeverall places therein menconed.

The Houſe agreed to the report of the Committee *viz*t

That it will be prejuditiall to thoſe that are already appointed and have provided to keep fferry according to Law in that caſe provided And therefore the ſaid Law being temporary and almoſt at an end that there be no alteration therein and that all matters relateing to fferrys be referred til the ſaid Law is Expired—

And upon conſideration of the report of the ſaid Committee made upon a Propoſition of Mr *William Armiſtead* propoſeing that a Bill be prepared to give leave for a greater number of Ordinarys to be kept as well at *Hampton* town as in ſuch other parts of the Country as they may be wanting

The Houſe agreed to the report of the Comtee *viz*t

Reſolved. That the ſaid propoſition is reaſonable and therefore that the ſaid Mr *William Armiſtead* have leave to bring in a bill accordingly.

And thereupon the ſaid *William Armiſtead* reported that he had prepared a Bill according to his propoſition which he delivered in at the table—

Ordered. That the Committee for Publick Claims do forthwith carrye to the Council the two books of reports of the ſaid Committee with the additions this day made in the Houſe together with the Engroſſed Bills this day paſſed the Houſe and deſire their Honrs Concurrence thereto—

A Bill for allowing a greater number of Publick Ordinarys was read the firſt time

Ordered. That the ſaid Bill be read a Second time—

Reſolved. That on *Monday* the Houſe will take into conſideracõn his Excells firſt Speech made to the Houſe this Seſſions, together with a clauſe of his laſt Speech relateing to the Province of *New York*.

Ordered That the Houſe be called over on *Monday* next at twelve a clock.

The Houſe adjourned till *Monday* morning nine a Clock.

Monday May the 8th 1704

THE Houſe according to order was called over and the abſence of ſuch Members as did not appear was excuſed.

A Bill allowing a greater Number of Publick Ordinarys was read and after a Debate thereupon—

Ordered That the ſaid Bill be ingroſſed and read a third time—

Mr

Mr *Cary* reported that the Comtee for Publick Claims to whom it was referred to prepare and bring in a Bill appointing a Treaſurer had prepared the ſaid Bill which he delivered in at the table and thereupon the ſaid Bill being read the firſt time—

Ordered That it be read a Second time

The Houſe according to the order of the day took into conſideration his Excēllys firſt Speech made to the Houſe this Seſſion, together with a Clauſe of his laſt Speech relateing to the Province of *New York*.

And his Excēlls firſt Speech being read.

Reſolved. That an Addreſs of Thanks to her Majeſty be prepared for her favours in giving her Picture and Armes to this Country.

Then the Clauſe of his Excēllys laſt Speech relateing to the Province of *New York* was read and after a Debate thereupon

The queſtion was put

That it be left to the Committee which ſhall be appointed to prepare the addreſs to the Queen to incert further reaſons for our not contributeing to *New York*.

It paſt in the Negative

And then a debate ariſing and the queſtion put

That the Committee of Propoſitions and Greivances prepare the Addreſs to her Majeſty.

Reſolved In the affirmative

The Houſe took into conſideration the report of the Committee appointed to view the Square markt out belonging to the Capitol and after ſome time ſpent therein came to theſe reſolutions following

Reſolved. That the Publick Priſon be included within the Bounds appropriated to the Capitol and that that the ſaid bounds already aſcertained for the ſaid Capitol be continued from the main road juſt before the door of One of the Capitol houſes to the Extent of forty one poles to a Poſt, thence including the priſon thirty two poles to a Poſt on the Weſt ſide of the ſpring, thence fourteen poles to the corner of a ditch, thence along the ſaid Ditch thirty poles and a half to a poſt by the ſaid Ditch and from thence to the beginning place—

Ordered That the conſideration of the propoſall of the ſaid Committee relateing to the Capitol being incloſed with a Brick Wall be referred til to morrow morning.—

Ordered That the Overſeer appointed to inſpect and overſee the building of the Capitol make a Computation what the Charges may amount to of incloſing the Capitol with a Brick Wall of two Bricks thick and four foot and a half high to be diſtant ſixty foot from the ffronts of the Eaſt and Weſt Building and fifty foot from the North and South ends of the ſaid building and that he lay the ſame before the Houſe to morrow

Then the report of the Commtee appointed to inſpect and Examine Mr *Treaſurers* Accounts being read—

Ordered That it be an Obſervation upon the Journal that there remains in Mr *Treaſurers* hands two hundred and One pounds nine ſhillings and nine pence for the Truſtees of the City of *Williamſburgh* by order of Aſſembly—

Ordered That the Truſtees of the City of *Williamſburgh* tender the money due to the Proprietors of the land in the ſaid City—

It appeares by the report of the ſaid Committee that the Ballance to be accounted for by Mr *Treaſurer Carter* is the Sume of three hundred thirty four pounds ten ſhillings, and three pence—

A Petition of Mr *Henry Cary* was read wherein he prays that he may have the three Negro Slaves bought for ye vſe of the Country. at the price they coſt

Reſolved That Mr *Henry* may have the ſaid three Negro Slaves after the Capitol is finiſhed at the price they coſt the Country.

Ordered That Mr *Henry Cary* after the Capitol is finiſhed ſell by Outcry what Utenſils Bedding and other moveables he hath under his care for the carrying on the Building

Building of the ſaid work and that he take bond with good ſecurity for the payment of the money by the Purchaſers and give A year to pay it—

His Excēllys and the Councils meſſage on the third of *May* relateing to Shipps &c being read.

Reſolved That it is the Opinion of this Houſe—

That Suitable Anſwers relateing to Shipps &c has been already ſent to his Excēlly and the Council by this Houſe—

Mr *Randolph* from the Committee of Propoſitions and Greivances reported that the ſaid Committee had taken into conſideration Severall of the matters to them referred and therein had agreed upon ſeveral reſolutions which he read in his place and afterwards delivered them in at the table where being again read the Houſe proceeded to the imediate conſideration thereof—

And upon conſideration of the report of the ſaid Comtᵗᵉᵉ made upon the Petitions of *John Gill, Stephen Gill, Samuel de Monville Teleife Alverton, Iſaac Garret Peter Ruckes* and *Clypian Prou* praying to be Naturalized

The Houſe agreed to the report of the Comtᵗᵉᵉ *vizᵗ*

That it is reaſonable the ſaid perſons ſhould be naturalized when they are qualifyed by taking the Oathes Enjoyned by Law—

And upon conſideration of the report of the ſaid Commtᵗᵉᵉ made upon the Petition of the *Nanziattico* Indians ſetting forth that *Thomas Kendall* of *Eſſex* County hath broak down their fences and turned them off their Land and that the other part of their Land is claimed by Doctor *Llomax*—

The Houſe agreed to the report of the Comtᵗᵉᵉ *vizᵗ*

That if the ſaid *Kendall* has done wrong or Injury to the ſaid Indians he ought to make them ſatisfaction and that if the ſaid Indians have right to any Lands they ought to have Juſtice done them according as the Equity of their pretentions ſhall appear of which his Excēlly and the Council are the moſt propper Judges—

And upon conſideration of the report of the ſaid Comtᵗᵉᵉ made upon the Petition of the *Nottaway* Indians ſetting forth that being a hunting laſt Summer they were Surprized by ſtrang Indians, (as they ſuppoſe *Senequas*) who carryed away their *King* & praying his Excēlly to grant them a paſs under the ſeal of the Colony to go Norward to treat about ranſomeing their ſaid King—

The Houſe agreed to the report of the Comtᵗᵉᵉ *vizᵗ*

That it may be of dangerous conſequence to grant the ſaid *Nottoway* Indians any ſuch paſs as is by them deſired but it would be convenient that his Excēllʸ and the Council ſhould endeavour to procure the ſd Indian King to be reſtored to them if they could certainly tell where he is detained

And upon conſideration of the report of the ſaid Committee made upon that part of the *Nottoway* Indians Petition praying leave to hunt among the Inhabitants of this Colony—

The Houſe agreed to the Report of the Commtᵗᵉᵉ *vizᵗ*—

That it will be an Incroachment upon the Rights and Libertys of the *Engliſh* and therefore that it be rejected.

And upon conſideration of the report of the ſᵈ Commtᵗᵉᵉ made upon the Petition of *Mary Greenfeild* praying that ſhe may be Enabled to ſell her Land—

The Houſe agreed to the Report of the Committee *vizᵗ*—

Reſolved That the ſaid Petition be rejected—

Ordered That a Copy of the proceedings of yᵉ houſe this day upon the Petitions of the *Nottoway* and *Nanziattico* Indians be ſent to his Excelly and the Council—

The Petition of *Richard Lygon* praying to be reſtored to his place of Surveyor of *Henrico* County being referred from the Generall Court to the Houſe of Burgeſſes was read.

Ordered That the conſideration of the ſaid Petition be referred to the Committee of Propoſicons and Greivances to report their Opinions thereupon

Then the Houſe adjourned til to morrow morning nine a Clock.—

Tueſday

Tueſday May the 9th 1704

MR *Robinſon* brought into the Houſe from the Council An Engroſſed Bill intituled *an Act for tareing and aſcertaining the Size of Tobacco Hogſheads*, and with it a Propoſall of amendments to be made therein to which amendments if the Houſe ſhould agree the Council would agree to the Bill—

An Ingroſſed Bill intituled *an Act reviving the Act for the better Improveing the breed of Horſes and for reſtraining unruly horſes* and with it a Propoſall of amendments to be made therein to which Amendments if the Houſe ſhould agree the Council would agree to the Bill

An Engroſſed Bill intituled *an Act for dividing* Sittenburne *Pariſh* agreed to by the Council without any amendment.

An Engroſſed Bill intituled *an Act for dividing S*t Peters *Prifh in* New Kent *County* agreed to by the Council without any amendment.

An Engroſſed Bill intituled *an Act to prevent Indians hunting and ranging upon Pattented Lands* agreed to by the Council without any amendment. And

An Engroſſed Bill intituled *an Act to repeal the Second Act of Aſſembly made in the year 1664 Intituled an Act for the ffrontiers to be ſeated with four able hands* agreed to by the Council without any Amendment— And alſo.

The two books of reports of the Comtee for Publick Claims aſſented to by his Excēlly (excepting that Prpoſall of paying twelve pence for every Military Commiſſion out of the two ſhillg ℔ hogſhead, and aſſented to by the Council without Exception

An Engroſſed Bill for allowing a greater number of Publick Ordinarys was read the third time—

Reſolved Nemine Contradicente

That the ſaid Bill do paſs

One of the members of the Comtee who were ordered to prepare the Addreſs to the Queen deſiring to know whither the ſame ſhould be done in the name of the Generall Aſſembly.

Ordered That it be an Inſtruction to the ſaid Comtee to draw the Same as an Addreſs from the Generall Aſſembly

A Bill appointing a Treaſurer was read the Second time

Reſolved Nemine contra dicente.

That the ſaid Bill be ingroſſed & read a third time.

A motion being made that the thanks of ye Houſe be given Mr *Treaſurer Carter* for his faithfull Diſcharging his Truſt in the Office of Treaſurer And after a Debate.

The queſtion was put whether the late Mr *Treaſurer* ſhould have the thanks of this Houſe given him for the faithfull Diſcharge of the ſaid Office—

Reſolved In the Affirmative—

Ordered That the Thanks of the Houſe be given Cōll *Robert Carter* for his faithfull Diſcharge of the Office of Treaſurer which he lately held and that Mr *Nathaniel Harriſon* do the ſame—

The Houſe according to order of the day took into conſideration the propoſall of the Committee appointed to view the Square laid out for the Capitol and came to this reſolution thereupon—

Reſolved That the Capitol inſtead of being railed in be incloſed with a good Brick Wall of two Bricks thick and four foot and a half high upon the Levill within the wall and that the ſaid Wall be diſtant Sixty foot from the ffronts of the Eaſt and Weſt Buildings and ffifty foot from the North and South end of the ſd building with four Suitable Entrances into the ſame—

Reſolved Nemine Contra dicente

That for the future Mr *Secretary* ſhall not be paid by ye Country for Military Commiſſions

Ordd. That the Comtee for publick Claimes proporcon the Publick Levy—

Mr

Mr *Robertſon* brought into the Houſe from the Council an Engroſſed Bill intituled *an Act reviving the Impoſitions on Liquors Servants and Slaves for one year and no longer* and with it a Propoſall of amendments to be made therein to which amendments if ye Houſe ſhould agree the Council would agree to ye Bill—And alſo

An Ingroſſed Bill intituled *an Act for removeing Criminalls from the Goals of the Countys where they ſhall be apprehended to the publick goal at* Williamſburgh agreed to by the Council without any amendment—

Mr *Randolph* from the Comtee to whom it was referred to prepare and bring in an Addreſs to her Majeſty reported that the ſaid Comtee had according to the Order of the Houſe prepared the ſaid Addreſs and had directed him to report the ſame which he read in his place and then delivered it in at ye Table where being again read was agreed to by the Houſe—

Ordered. That the ſaid Addreſs be fairly tranſcribed and Sent to the Governor and Council and that they be directed to joyne with the Houſe in it

The Amendments propoſed by the Council to the Engroſſed Bill intituled *an Act reviving the Act for the better Improving the Breed of Horſes and for reſtraining unruly horſes* were read and agreed to by the Houſe and inſerted in the Bill—

The Amendments propoſed by the Council to the Engroſſed Bill intituled *an Act for tareing and aſcertaining the Size of Tobacco Hogſheads* were read and agreed to by the Houſe and incerted in the Bill—

The Amendments propoſed by the Council to the Engroſſed Bill Entituled *an Act reviving the Impoſitions on Liquors Servants and Slaves for One year and no longer* were read, and after a debate thereupon.

Reſolved That the Houſe doth not agree to the amendments propoſed by the Council to the ſaid Bill

And then a debate ariſeing and the queſtion put whether the Houſe ſhall deſire a Conference with the Council upon the amendments propoſed by them to the Bill for reviving the Impoſitions on Liquors Servants and Slaves for One year and no longer

It paſt in the Negative

Mr *Randolph* from the Commtee of Propoſicons and Greivances reported that the ſaid Committee had taken into conſideration the remaining part of the matters referred to them and therein had agreed upon ſeverall reſolutions which he read in his place and afterwards delivered them in at ye table where being again read the Houſe proceeded to the imediate conſideration thereof.

And upon conſideration of the Report of the ſaid Committee made upon the Complaint of Capt *Perry* a *Chickahominy* Indian againſt *James Muſt* and *Coſohock* of the ſame town for burning his the ſaid *Perry*'s Cabbin and threatning to go to the *Senequas* and joyn with them and bring them down to deſtroy the *Engliſh*—

The Houſe agreed to the report of the Comtee That as to burning the ſaid Cabbin and the quarrell amongſt themſelves they have proviſions amongſt them for puniſhing any that ſhall offend againſt their Laws or rules and as to the words threatning the Government, That his Excellcy will be pleaſed to conſider the ſame and give ſuch directions therein as to him ſhall Seem moſt fit—And

Ordered That a Copy of the proceedings of this Houſe concerning the ſaid Complaint be Sent to his Excēlly.

And upon conſideration of the report of the ſd Comtee made upon the Petition of *Richard Lygon* to be reſtored to his place of Surveyor of *Henrico* County from which he hath for ſome time been Suſpended—

The Houſe agreed to the report of the Comtee *viz*t

That ſince he hath loſt the profit and advantage of his Surveyors place from the 26th of *Auguſt* laſt and attended two Generall Courts at his owne charge he has had conſiderable puniſhment and therefore hope his Excēlly will pleaſe that he may be reſtored to the ſaid place of Surveyor of *Henrico* County.

Ordered That a Copy thereof be ſent to his Excēlly and the Council

And

And upon conſideration of the report of the ſd Comtee made upon an order of the houſe for inſpecting the Journall of the laſt meeting and the Seſſions next before that and to report what they find neceſſary to be conſidered this Seſſion—

The Houſe agreed to the report of the Committee *Viz*t—

That there is nothing in the ſaid Journall neceſſary to be conſidered this Seſſion—

Ordered That Mr *Corbin* Mr *John Weſt*, Mr *Covington* and Mr *Edwards* carrye to the Council the Bills with the amendments this day agreed to by the Houſe for the Councils view, that the Houſe hath agreed to the amendments propoſed by them and incerted the ſaid amendments in the Bills And alſo the Bill which this day paſſed the Houſe and deſire their Honrs Concurrence thereto And that they likewiſe carrye the proceedings of this Houſe Yeſterday on the Indians Petition to his Excēlly—And being returned.

Mr *Corbin* reported they had delivered the Severall matters according to the Order of the Houſe—

Then the Houſe adjourned til to morrow morning nine a Clock.

Wedneſday May the 10th 1704.

A WRITTEN meſſage from the Council by Mr *Robertſon*—

By the Honble Council

*M*r Speaker *and Geñtl of y*e *Ho: of Burgeſſes.*

The Council having Yeſterday ſent down to yor Houſe the Bill for reviving the Impoſitions on Liquors Servants and Slaves for one year and no longer with a propoſall of an amendment thereto Do now acquaint you that they are willing to recede from that Amendment and to paſs the Bill without it—

May 10th 1704

Mr *Robertſon* brought into the Houſe with the ſaid Meſſage an Engroſſed Bill intituled *an Act reviving the Act for the better Improveing the Breed of horſes and for reſtraining vnruly horſes* and acquainted the Houſe that the Council did agree to the ſame with the amendments therein incerted—

The Petition of *Edmond Godwin* Sherriff of *Nanzimond* County praying leave to amend his Return on the Writt for Election of a Burgeſs for the ſaid County was read and thereupon

Ordered That the ſaid *Edmond Godwin* be brot into the Houſe by the Meſſenger in whoſe cuſtody he is and amend his Return on the ſaid Writt by raſeing out the old Return and making a new Returne—

Then the Meſſage from the Council was read and after a debate thereupon—

The queſtion was put. That the Bill reviving the Impoſitions on Liqours Servants and Slaves for One year and no longer ſhall be returned to the Council for their Concurrence to it without amendment.

Reſolved in the Affirmative

An Engroſſed Bill intituled *an Act appointing a Treaſurer* was read the third time

Reſolved. Nemine contradicente

That the ſaid Bill do paſs.

And thereupon Mr *Speaker* ſtanding vp was pleaſed to ſay

Gentlemen

I thankfully acknowledge yor favors in paſſing this Act. I ſhall make it my care to diſcharg the Truſt repos'd in me by it in Such manner as may give a Generall Approbation—

Mr *Nathaniel Harriſon* acquainted the houſe that according to order he had given the Thanks of this Houſe for his faithfull Diſcharge of the Office of Treaſurer which he lately held and that thereupon Cōll *Carter* was pleaſed to ſay. That the many Signall favours he hath from time to time received from former Houſes of Burgeſſes

in

in being p^r^ferred to the moſt reputable places in thoſe houſes P^r^ticularly in having the Honour of the Chair in two Severall Aſſemblys and in the laſt by their favour recommend^d^ to the Honble Office of Treaſurer, had yet a very gratefull Sence upon his memory, and now to find he had given full Satisfaction to this houſe in the faithfull Diſcharge of that truſt is an obligation So Extraordinary that he wanted words rightly to acknowledg the ſame, and therefore contented himſelf in ſhort terms to give this houſe his moſt hearty thanks for that laſt mark of their favour and to aſſure themſelves that he would at all times eſteem it his higheſt happineſs to approve himſelf their moſt humble Servant—

Ordered That the Committee for publick Claimes carrye the Ingroſſed bill intituled *an Act reviving the Impoſitions on liquors Servants and Slaves for One year and no longer* to the Council for their Concurrence without any amendment to be made thereto And alſo the Bill which paſſed the houſe this day with ſeverall Reſolves concerning the *ffrench* Refugees &c. and deſire the Councils Concurrence thereto, and that they likewiſe carry to his Excēlly and the Council the proceedings of the houſe upon the petition of *Richard Lygon* and to his Excēlly the proceedings of the houſe upon the Complaint of Capt *Perry* a *Chickahominy* Indian And being returned

Mr *Cary* reported that the ſaid Com^tee^ had delivered ye Severall Papers according to ye ord^r^ of the houſe—

Ordered That Mr *Benjamin Harriſon*, Mr *Charles Aſhton*, Mr *Jenkins*, Mr *Thorowgood*, Mr *Marrable*, Mr *Ranſom*, Mr *Drummond*, Mr *Barber*, M^r^ *Moſs*, Mr *Hodges*, Mr *Churchill*, Mr *Bird*, Mr *Smith*, Mr *Johnſon*, Mr *Bolling* and Mr *Turberville* forthwith carrye the Addreſs of her Majeſtye to his Excellency—and the Honble Council and deſire that they will be pleaſed to joyn with the Houſe in the ſame—

And being returned

Mr *Harriſon* reported that the perſons appointed had delivered the ſaid Addreſs to his Excellency and the Council and deſired them to Joyn with the Houſe in the ſame—

Edmond Godwyn Sherriff of *Nanſemond* County. according to order was brought into the Houſe by the Meſſenger and having amended his Return on the writt for Election of a Burgeſs for the ſaid County of *Nanſimond* withdrew

Ordered That he be diſcharged out of cuſtody paying ffees.

Mr *Robertſon* brought from the Council into the houſe an Engroſſed Bill intituled *an Act for tareing and aſcertaining the Size of Tobacco hhds* and acquainted the Houſe that the Council did agree to the ſame with the amendments therein incerted And alſo.

The addreſs to her Majeſty Signed by his Excellency and Council and a blank therein being filled vp, the ſame is as followeth

*To the Queens moſt Exc̄e^ll^ Maj^ty^*
May it pleaſe yor Majeſty.

Wee your Majeſts moſt Loyall and dutifull Subjects the Govern^r^ Council and Burgeſſes of your Colony and Dominion of *Virginia* in this preſent Geñ^ll^ Aſſembly convened do moſt humbly p^r^ſume to renew our aſſureances of our firm and vnalterable ffidelity and Zeal (as farr as our poor Abilitys will Enable us to Support and maintaine your Majeſties true and vndoubted Right and Title of Sovereignty over this and all your other Dominions—Although we are unhappily ſeated at ſo great a diſtance from your Royall perſon, yet we are Exceedingly Senſible of thoſe great and many Graces and Virtues that are conſpicuous and eminent in yor Majeſty—

It is impoſſible for us to be informed of your Majeſts pious Endeavours to defend your Subjects from all their Enimies abroad to protect and mentaine them in their juſt Rights and Libertys at home and to encourage them in the free Exerciſe of the antient Apoſtolick Religion as by Law it is eſtabliſhed in the Church of *England*, and at the ſame time ſo farr to forgett our duty as not to render our moſt humble Thanks to yor Majeſty and to bleſs Gods great name for his mercy and goodneſs in ſending yor Majeſty to Reign over us—

Wee

Wee humbly p'fume to make our moſt gratefull acknowledgments for yor Majeſts favour in beſtowing your Royall Picture upon this your poor Colony, by the pleaſing proſpect whereof (altho' it be a faint reſemblance far ſhort of the incomparable Original) Wee conceive the moſt noble Ideas of yor Majeſts Sacred perſon, in whom do concentre all the glories of a moſt illuſtrious birth of the moſt inimatable virtues of mind and the moſt admirable perfections of body that ever filled that Imperial Thrown wherein yor Maj^ty is ſo happily placed not only to be a Bleſſing to all yor own Subjects but a generous Benefactor to Mankind.

It is not in our power to make any other Returnes but of duty and Thankfullneſs, which wee ſhall never fail to pay, and ſince the great King of heaven is better pleaſed to accept of a Sincere heart then the moſt coſtly Sacrifice—Wee humbly hope that your Majeſty His Royall Vicegerent on earth will be gratiouſly pleaſed to accept ſuch poor Imperfect Services as we are capable to P'forme and not to meaſure our Affection and Zeal to your perſon and Government, by the value of our Preſents but by the duty and Loyalty of our hearts—

That your Majeſts Reign over us may be long and proſperous, that as it hath begun ſo it may alwaies continue to be Succeſsfull & victorious That God would be pleaſed to bleſs yor Majeſty that you may ſubdue and triumph over all your Enimies, and happily accompliſh thoſe Bleſſed Ends you propoſe of retreiving and eſtabliſhing the Libertys of *Europe*, That you may not only Equall but excell the moſt glorious of your Royall Predeceſſors and that yor moſt happy and illuſtrious Reign may alwaies be remembred with Honour til time ſhall be no more Shall be the continual prayers of us

Yo^r Majeſties Moſt Dutifull And Loyall Subjects

Ordered That the ſaid Addreſs be Signed by Mr *Speaker* & every Member of the Houſe—

Mr *Robertſon* brought into the Houſe frō ye Council an Engroſſed Bill intituled *an Act for allowing a greater number of publick Ordinarys* and with it a Propoſall of an amendm^t to be made therein which if the Houſe ſhould agree to the Council would agree to the Bill—

The ſaid amendment was read and agreed to by the Houſe and incerted in the Bill accordingly—

Reſolved That at [an] Addreſs be prepared ſignifying to his Excēlly the Reſolutions of this Houſe upon his Excēll^s Severall Speeches and meſſages this Seſſion not already anſwered.

Ordered. That it be referred to the Com^tee of propoſicons and Greivances to prepare and bring in the ſaid Addreſs

Ordered. That it be an Inſtruction to the ſaid Com^tee to inſert a Clauſe in the ſaid Addreſs deſireing his Excēlly not to order muſtering oftner than the Law Enjoyns

The Houſe adjourned til to morrow morning nine a Clock

Thurſday May the 11th 1704

A WRITTEN meſſage from his Excelly by Mr *Robertſon*

Mr Speaker *and gent. of ye Houſe of Burgeſſes*

I thank God there has not been any occaſion to make vſe of the Ordinance of Aſſembly made laſt Seſſion for the defence of the Country in time of danger and I hope there never will be any but I recommend to you to revive that Ordinance or ſome other which you ſhall think fit and you may be aſſured that nothing ſhall be done contrary to it by

May the 11th 1704 *ffr: Nicholſon*

Mr *Robertſon* brought into the Houſe with the ſaid meſſage an Engroſſed Bil intituled *an Act reviving the Impoſitions on Liquors Servants & Slaves for One Year and no longer* agreed to by the Council without any amendment—

An

An Engroſſed bill intituled *an Act appointing A Treaſurer* aſſented to by the Council without any Amendment. And alſo

An Ordinance of the laſt Seſſion of Aſſembly for defence of the Country in time of danger

The ſaid Meſſage and Ordinance being read.

Ordered That the ſaid Ordinance be forthwith fairly tranſcribed by the Clerk and ſent to the Council for their Concurrence—

Mr *Randolph* from the Comtee of Propoſitions and Greivances reported that the ſaid Committee had according to the order of the houſe prpared an Addreſs to his Excēlly which he read in his place and then delivered it in at the table where being again read and conſidered paragraph by Paragraph, after a debate thereupon and ſeverall queſtions put the ſame was agreed to as followeth—

To his Excelly Francis Nicholſon *Eſqr her Majts Lt and Governr Genll of* Virginia

The humble addreſs of her Majēſts moſt Loyall and dutifull Subjects the Burgeſſes now convened at her Majeſtys Queen *Ann* her Royall Capitol in her Majeſtys Colony and Dominion of *Virginia.*

May it pleaſe yor Excēlly

The Burgeſſes our Predeceſſors have put vpon their Journalls many juſt Charecters of yor Excēlls Merit and goodneſs and Since the Same virtues and qualifycations continue and we lye under the ſame obligations It is our duty to imbrace an Oppertunity of expreſſing our Sence and acknowledgments in a Suitable manner.—

And therefore before we enter upon the remaining part of this Addreſs which is to acquaint your Excēlly with our Severall reſolutions upon yor Excēlls Speeches and Some other matters— Wee beg leave to aſſure yor Excēlly That our Predeceſſors have not had a greater Sence of yor Excēlls worth nor of their Obligations then we have of our owne—to your Excēlly And this moves us to a thankfull acknowledgment for all your favours and ſo we proceed.

Wee prepared and paſt an humble Addreſs to her moſt Sacred Majty to give her our thanks for her Royall Picture ſhe has been gratiouſly pleaſed to ſend hither In which yor Excēlly and the Honble Council has been pleaſed to joyne with us. and we doubt not to obtaine the favour of your Excēlls Aſſiſtance to get the ſame preſented to her Majeſty.—

Wee have cauſed her Majēſts Royall Lre of the 20th of *April* 1703 concerning preſents &c. being made to Governrs &c to be Regiſtred in our Journall according to her Majeſtys Royall Commands Wee humbly hope her Sacred Majeſty will be gratiouſly pleaſed to put a favourable Conſtruction upon a late addreſs of the Houſe of Burgeſſes wherein is humbly repreſented a Collection of many reaſons why this Country did not comply with her Majeſts Commands touching aſſiſtance to be given to *New York.* And we thank your Excēlly for the care you have taken to get that Reprſentation to *England* becauſe our Circumſtances of Inability are now greater then they were at that time being more under the threat and danger of an Indian Enimye and in continuall Expectation to be called from our habitations to defend our own ffrontiers—

Wee have revived Some Expired Acts & Prticulerly the former laying an Impoſition upon Servants and Liquors.

Yor Excēlls aſſureance that no money raiſed by any Acts ſhall otherwiſe be appropriated then the Act directs is very acceptable—

We think it not convenient to go upon the Reviſall of the Laws this Seſſion ſhould elſe have given yor Excēlly timely notice—

What things yor Excēlly has been pleaſed to recommend to our conſideration by meſſages wee have given an an anſwer to by ſending Copies of the ſeverall reſolves relateing thereunto—

Wee humbly recommend to your Excēlly to take into yor conſideration the frequent muſtering of the Militia, hoping yor Excēlls natural indulgence to the Eaſe of the people will lead you to be ſpareing in that perticular as much as may be,

Wee

Wee heartily joyn with yor Excēlly in this prayer

That the preſent Seſſions may end as well as it begun and alſo pray for the continuance of yor Excēlls Proſperity—

Ordered That the ſd Addreſs be forthwith fairly tranſcribed in ord^r to be preſented to his Excēlly—

Mr *Robertſon* brought into the houſe Severall Reſolves aſſented to by his Excēlly and the Honble Council and alſo Severall orders of Council which orders were read—

An Ordinance for defence of the Country in times of danger was read and agreed to by the Houſe—

Ordered That Mr *Corbin*, Mr *Jenkins*, Mr *Henry Aſhton*, Mr *Baughan* carry the ſaid Ordinance to the Council and deſire their Concurrence thereunto And alſo An Engroſſed Bill Entituled *an Act for allowing a greater number of Publick Ordinarys* for the Councils view that the houſe have agreed to the amendments p^rpoſed by them and incerted the ſaid Amendment^s in the Bill—

A meſſage from his Excell^y by Mr *Robertſon*

Mr Speaker *& Gentlemen of the Houſe of Burgeſſ^s*

I am obliged to you for yor Reſolve of the firſt Inſtant *vizt* That you leave it to me to make my choice whether to buy or Leaſe the houſes built for the Workmen at the Capitol. I had rather buy them I have Enquired and find that only the Chimneys and the Rooſes of theſe houſes are quite finiſhed but I am willing to give One hundred twenty five pounds for them and the houſe where the lime is made vp becauſe when it is removed it will ſerve me for a Stable, if you approve of the propoſition, I deſire it may be paſt into an ordinance directing who ſhall paſs the Right to me, when that is done to whom I ſhall paſs the money and give me a Diſcharge for it, If you pleaſe to do theſe things you will very much oblige him who is

Yo^r moſt affectionate & aſſured ffriend

ffr: Nicholſon—

Mr *Robertſon* brought into the Houſe wth the ſaid meſſage an Engroſſed Bill intituled *an Act for allowing a greater number of publick Ordinarys* and acquainted the Houſe that the Council did agree to the ſame with the amendm^ts therein incerted—and alſo the Ordinance for defence of the Country in time of danger aſſented to by the Council—

Mr *Treaſurers* Gen^ll Account of the Impoſitions upon Liquors Servants and Slaves dated the 28th day of *April* 1704 was certifyed to be Sworn to before his Excelly in Council—the Ballance to be accounted for to the Gen^ll Aſſembly being three hundred thirty four pounds ten ſhill^s and three pence was agreed to and paſſed the houſe—

Ordered That Mr *Churchill*, Mr *Baughan* Mr *Hodges* Mr *Turbervill* and Mr *Bird* carry the ſ^d account to the Council for their Concurrence

And being returned.

Mr *Churchill* reported they had delivered the ſaid accounts to the Council and deſired their Concurrence thereto—

Mr *Cary* from the Committee for P^rporconing the publick Levy reported that they had done the ſame and that it amounted into Eight pounds of Tobacco and a half ℔ pole, and that the ſ^d Com^tee had prepared a Bill for raiſing the ſ^d Levy which he delivered in at the table—

Where being read the firſt time

Ordered That the ſaid Bill be read a Second time

A Bill for raiſing a Publick Levy was read ye Second time—

Ord̄d That the ſaid Bill be engroſſed and read a third time.

An Ingroſſed Bill intituled *an Act for raiſing a Publick Levy* was read the third time.

Reſolved Nemine Contra dicente

That the ſaid Bill do paſs.

Ord̄d That the Com^tee for publick Claimes carrye the ſ^d Bill and the Book of proportions to the Council and deſire their Concurrence thereto—

And being returned

M^r

Mr *Cary* reported that the ſd Comtee had according to order carryed the ſaid Bill and book of Proportions to the Council and deſired their Concurrence thereto

Ordd That the Severall Sums of money mentioned in the two Books of Claimes which have paſſed this Seſſion be paid out of the Impoſition Funds to the Severall prſons concerned therein And that his Excēlly the Governr be deſired to iſſue his Warrants to the late Treaſurer to pay the ſame accordingly.

His Excells meſſage concerning the purchaſing of the Capitol houſes was read and after a Debate

The queſtion was put whether the Houſe will agree to his Excells propoſall in the ſaid Meſſage—

Reſolved. In the affirmative

Ordered. That the Committee of Propoſitions and Greivances prpare and bring in an Ordinance of Aſſembly according to the prpoſition contained in his Excells ſd meſſage—

Mr *Robertſon* brought into the houſe the Book of Proportions aſſented to by his Excēlly & Council and the Engroſſed Bill intituled *an Act for raiſing a Publick Levy* aſſented to by the Council.

Ordd That the Reſolves of the Houſe on Mr *Carys* Petition and for pulling down the Partitions over the room where the houſe of Burgeſſes Sit be carryed to the Council for their Concurrence—

The Addreſs to his Excelly being fairly tranſcribed

Ordered That Mr *Speaker* Sign the ſd Addreſs.

Reſolved That the ſaid Addreſs be prſented to his Excēlly by the whole houſe—

Ordered. That Mr *Corbin*, Mr *Wilſon*, Mr *Armiſtead* Mr *Hubbart* Mr *Aſhton* and Mr *Hoe* forthwith wait Vpon his Excēlly to know his pleaſure when the Houſe ſhall attend his Excēlly. with their Speaker to preſent the ſaid Addreſs.

And they being returned.

Mr *Corbin* reported they had delivered the ſaid meſſage to his Excēlly and that he was pleaſed to ſay he was ready to receive the ſame—

And thereupon the Houſe went with their Speaker to attend his Excēlly with the ſd Addreſs.

And being returned.

Mr *Speaker* reported they had preſented the ſaid Addreſs and that his Excēlly was pleaſed to Say Some thing on every paragraph thereof but being very much indiſpoſed hoped the Houſe would Excuſe his not repeating ye ſame

The Houſe adjourned til to morrow morning ſeven a Clock.

Fryday May the 12th 1704.

MR *Randolph* from the Comtee of Propoſitions and Greivances reported that the ſaid Committee according to the order of the Houſe had prepared an Ordinance upon his Excells laſt meſſage to the Houſe Yeſterday which he read in his place and then delivered in at the table—where being againe read

Ordered. That the ſaid Ordinance be committed to the Comtee that prepared the ſame for amendments.

And after ſome time—

Mr *Randolph* reported that the ſaid Comtee had agreed upon a Proviſo to be added to the ſaid Ordinance which he read in his place and then delivered it in at the table where being again read it was added to the Ordinance and Some Blanks therein being filled vp ye ſame was agreed to—

Ordered That Mr *Robertſon*, Mr *Moſely* Mr *Turbervill* Mr *Henry Aſhton* carrye the ſaid Ordinance wth the Reſolves of this Houſe for pulling down the partitions on the

Second

Second ffloor over the Room where the Houſe of Burgeſſes Sitt &c to the Council and deſire their Concurrence thereunto—

Ordered That Mr *Cary* and Mr *Corbin* do forthwith withdraw and Examine the Severall Bills wch are inrolled

And being returned.

Mr *Cary* reported they had Examined the Inrolled Bills and that they did truely agree with the Ingroſſed Bills.

Mr *Robertſon* brought into the Houſe the Ordinance impowering Mr *Henry Cary* to make Sale of the Country houſes in the City of *Williamſburgh* aſſented to by the Council—And alſo—

The Reſolves concerning the pulling down the Partitions on the Second floor over the room where the Houſe of Burgeſſes Sit &c Aſſented to by his Excēlly and the Council.

Ordered That Mr *Cary* and Mr *Corbin* do carrye both the Inrolled Bills and the Ingroſſed Bills to the Council for their Examination and Prvſall—

Mr *Robertſon* brought the ſaid Bills back from the Council and acquainted the Houſe that their Honrs had Examined and peruſed them—

The houſe adjourned til two a Clock in the afternoon

Poſt Meridiem

A MESSAGE from his Excēlly by Mr *Robertſon*

Mr *Speaker.*

His Excēlly commands the imediate attendance of this Houſe upon him in the Council Chamber and that you bring with you ſuch Inrolled bills as the Houſe have agreed vpon

And accordingly the Houſe went to attend his Excēlly in the Council Chamber and carryed the Inrolled Bills to his Excēlly.

85-86

JOURNALL

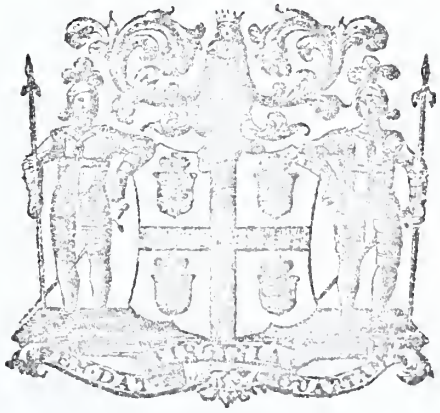
OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at her Majeſties Royall Colledge of *William* and *Mary* adjoyning to the City of *Williamſburgh* the 17th Day of *March* in The Second year of the Reign of our Sovereign Lady ANNE Queen of *England &c:* and Thence Continued by Several Prorogations to the 18th Day of *April* 1705 in The fourth year of her Majeſtys Reign The Laſt prorogation Directing The burgeſſes to meet at her Majeſtys Royall Capitol



RICHMOND, VIRGINIA.

MCMXII.

JOURNALL

of the

HOUSE OF BURGESSES

Wednesday April ye 18th 1705

MR *Speaker* and Thirty one Burgesses being Meet in the Capitol
Ordered That The House be Called Over to morrow morning
And Then The House Adjourned Till to Morrow Morning nine a Clock

Thursday April ye 19th 1705

THE House According to Order was Called over
Ordered That Mr *William Robinson*, Mr *Hoe*, Mr *Ball*, Mr *Fossaker*, and Mr *Turbervil* wait upon his Excellency and Desire him to Issue out a new writt for the Election of a Burgess to Serve in This Assembly for *Richmond* County in The Room of Mr *David Gwin* Decd.

A Message from his Excellency by Mr *Robertson*
Mr Speaker *and Gent. of The House of Burgesses*

His Excellency Commands The Imediate Attendance of this house upon him in The Council Chamber and Accordingly the house went to Attend his Excellency and being Returned, Mr *Speaker* Acqvainted ye house that According to his Excellencys Commands the house had been to wait on him in the Council Chamber and That his Excellency was pleased to make a Speech and to give him a Copy Thereof with the Several papers therein Mentioned and That Therefore he would not Trust to his Memory to Repeat The Contents but Read The Copy and yn Delivered it in at The Table where the same was again Read as ffolloweth.

Honourable Gent

God Almighty having been pleased to prosper her Majestys & her Allies forces both by Land & Sea this Last year with Glorious Victorys & Successes pursuant to a Letter of the Right Honble The Lords Comrs for Trade & Plantations, There hath been a Day of Thanksgiving kept Throughout This her Majestys most Antient and Great Colony & Dominion of *Virginia* In Every Perticular Parrish which said Letter & Proclamation I now give to Mr *Speaker* & I having Recd an Account of her Most Sacred Majestys health and of the happy Agreement between her Majesty and both houses of Parliament of *England* I Take it to be New Reasons for keeping another Publick Day of Thanksgiving by the Generall Assembly on The 23d Instant being St *Georges* Day This being the first Time wee have Met Since I Recd ye orders from *England* & I Dont in the Least Doubt but That you will heartily Joyn with me in Solemnizing that Day and in Returning most humble & hearty Thanks to Almighty God for those Mercys & Blessings

&

& to pray for a Continuance of The Same So That There may be the Like Reafons for Celebrateing Such another Day within ye Circle of The Year.

Gent. of The houſe of Burgeſſes

I Recommend to you the Affair of the *Nanſiattico* Indians & I now give to ye hon^ble^ Mr *Speaker* Several proceedings Concerning them, as Likewiſe two Letters which I had from ye hon^ble^ *Benjamin Harriſon* Eſq^r^ with a paper Sign'd by his Son Mr *Henry Harriſon* Concerning y^e^ *Nottoway* and *Tuſcuro* Indians I have Ordered Some of ye great Men of y^e^ *Nottoway, Nanſemond,* & *Maherin* Indians to be here This Week. Mr *Rice Hoe* Can give you Some Account Concerning the Indian Affair in *Maryland,* & I hope Speedily to have a More perticular Account from his Excellency Governor *Seymour* which ſhall be Communicated to you, I alſo give Mr *Speaker* Several Letters from Col^o^ *Daniel* Liev^t^ Governor of *North Carolina* to me, & my anſwers Concerning the *Tuſcoruro* Indians

Gentlemen

I Give Your Speaker her Majeſtys Royall Inſtructions about Embargoes & Convoy The Copy of Capt *Mathew Tates* Inſtructions about Convoying for *England* with his Letter Concerning it, as Likewiſe Some Accounts from the Commander of the Sips [Ships] in this Country. & I Deſire your Opinion concerning the Sailing of the Ships that are now in the Country under Capt *Tates* Convoy There are ſome other Things which God Willing I ſhall Communicate to you.

ffr: Nicholſon

Reſolved That the houſe will Take into Conſideration his Excellencys Said Speech and papers Therein Mentioned to Morrow Morning.

Ordered That The Meſſinger be Directed by Mr *Speaker* to Attend Conſtantly in Some Conveinient place within ye hovſe for the better Receiving the Commands of The houſe.

Ordered That *Richard Morris John Remington Anthony Evans & Richard Strickland* be Continued Door keepers to The Houſe This Seſſion and that They give their Reſpective Attendance Accordingly.

The Orders of The houſe for Laſt Seſſions being Read at ye Table.

Reſolved That The houſe Do Approve of The Same and That they ſhall Continue Orders for This Seſſion

Ordered That The ſaid Orders Ly Conſtantly upon ye Table for every Members peruſal as Occaſion

Ordered That the houſe be Called over as often as Shall be Thought Conveinient & that Thoſe members who ſhall be wanting in Their Duty of Attendance be Lyable to ye Cenſure of The houſe.

Reſolved and Accordingly *Ordered*

That it be a Standing Rule of This houſe That fifteen Members with The Speaker Shall be a Sufficient Number to adjourn.

A Comittee for Elections & Priviledges

Mr *Gawin Corbin* Chairman

M^r^ *Joſeph ffoſter*.....Mr *Nat^ll^ Harriſon*

Mr *John Weſt*

Ordered That Mr *Miles Cary* Junr be Clerk of This Comittee

A Comittee for Publick Claims

Mr *Miles Cary* Chairman

M^r^ *Joſeph ffoſter*.....Mr *John Weſt*
Mr *James Wilſon*.....Mr *William Armiſtead*
Mr *Tully Robinſon*.....Mr *Edward Moſely*
Mr *Francis Epes*.....Mr *Richard Covington*

Ordered That Mr *Miles Cary* Junr be Clerk of This Comittee but on his Petition he is Excuſed from giving his Attendance on ye Said Comittee & the Comittee of Elections & Priviledges till *Munday* next.

A

A Comittee for Propoſitions & Greivances

Mr *William Randolph* Chairman

Mr *Gawin Corbin* ..... Mr *Thomas Ballard*
Mr *Benjn Harriſon* ..... Mr *Natll Harriſon*
Mr *Thomas Barbar* ..... Mr *Anthony Armiſtead*
Mr *James Ranſom* ..... Mr *Robert Hubbert*

Mr *Robert Bolling*

Ordered That Mr *William Aylett* be Clerk of This Comittee & give his Attendance Accordingly.

Ordered That ye Comittees have power to adjourn Themſelves *de Die in Diem* & to ſend for perſons Records Journals & other papers They Shall from time to Time have Occaſion of.

Reſolved and Accordingly *Ordered*

That all propoſitions Greivances and Publick Claims be brought into The houſe on *Thurſday* The Twenty Sixth Inſtant at Lateſt or not To be Received in This Seſſions of Aſſembly without Perticular Leave of the houſe—

Ordered. That The Cleark of the houſe publiſh The Lateſt Time Set by the houſe for receiving propoſitions Greivances and Publick Claims During this Seſſion by Setting up a ffair Copy of The Reſolve of The Houſe made in that Behalf at the Door of The houſe

Ordered That The Clerk of The houſe Publiſh The place where the Comittee of propoſitions and Greivances & ye Comittee of Publick Claims are to Sit, by Setting a Certificate Thereof at the Door of The houſe.

Ordered That The Comittee of Propoſitions & Greivances Inſpect The journal of This houſe at the Laſt Seſſions and Report to The houſe what they find neceſſary to be Taken into Conſideration This Seſſion.

Ordered That The Comittee for Publick Claims Inſpect The Report of The ſaid Comittee at the Laſt Seſſion and Report to The houſe what they find Neceſſary to be further Conſidered This Seſſion.

Reſolved and Accordingly *Ordered*

That all Petitions propoſitions and Greivances Directed for The Laſt Seſſions of Aſſembly and not Then Conſidered be admitted to ye Conſideration of This Seſſion.

A Petition for Naturalization of *Joſeph Chermeſon* &

A Petion for Naturalization of *John Guy Roy* and others

Being Referred by The Honble Council to the Conſideration of The houſe were Severaly Read & Referred to the Comittee of Propoſitions & Greivances to Report Their Opinions Therein.

A Petition of *Richard Lygon* Surveyor of *Henrico* County praying an Allowance for Surveying the Land Appropriated to The vſe of The *ffrench* Refugees at the *Mankin* Town was Read and Referred to The Comittee for Publick Claims to Report Their opinions Therein.

Several Publick Claims from the Countys of

Glouceſter ..... *King William*
Middleſex ..... *King & Queen*
James City ..... *York*
Richmond ..... and
New Kent ..... *Lancaſter*

Were Preſented to the houſe and Referred to The Conſideration of The Committee for Publick Claims to Examine The Subject Matter Thereof & Report the Same with Their opinions Therein to the houſe—

A Propoſition of *Conqt Wyatt* & others wherein They propoſe That a Suitable Law may be made to prevent The Miſchief that may be Done by Setting the woods and old ffields on Fire was Read & Referred to ye Conſideration of The Comittee of Propoſitions and Greivances to Report Their opinions Therein.

A

A Petition of *Richard Kemp* Praying an Allowance of Four hundred pounds of Tobacco was read and Referred to The Conſideration of The Comittee for publick Claims to Report Their opinions Therein

A Letter from Mr *Robert Beverly* to This houſe with Some papers relateing Thereto were ſeveraly Read.

Ordered That The Said Letter & papers Ly upon The Table for Peruſal of the Members of The houſe & That The Same be Taken into Conſideration on *Teuſday* next.

And Then The houſe adjourned Till to Morrow Nine a Clock

Fryday Aprill ye 20th 1705

THE houſe (according to order) proceeded to Take into Conſideration his Excellencys Speech Together with The papers Relateing Thereto—and Thereupon a Motion being Made by a Member of The houſe.

Reſolved That The houſe forthwith Reſolve it Self into a Comittee of The whole houſe to Take into Conſideration his Excellencys Speech & papers Relateing Thereto—And the houſe Accordingly Reſolved it Self into a Committee of the whole houſe to Take the Said Speech & Papers into Conſideration and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair & Mr *Cary* Reported from the ſaid Committee That They had Come to a Reſolution which he Delivered in at The Table where The Same being Read was agreed to by The houſe as follows—

Reſolved Nemine Contra dicente

That This houſe Doth heartily Concur with his Excelleney that *Munday* next being The Twenty Third Day of this Month be kept by the General Aſſembly as a publick Day of Thankſgiving to Almighty God for ye Clauſes Mentioned in his Excellencys Speech Then Mr *Cary* alſo Acquainted The houſe That he was Directed by The Comittee to Move That they may have Leave to Sit again.

Reſolved That This houſe will to Morrow Morning Reſolve it Self into a Comittee of the whole houſe to Conſider further of his Exclys Speech & papers Relateing Thereto

A Motion being made by a Member of The houſe That a Miniſter Read Prayers as Vſual

Ordered That Mr *Speaker* Speak to Mr *Wheatly* to Read Divine Service in The houſe every Morning.

And Then The houſe adjourned Till to Morrow Morning nine a Clock.

Satturday April ye 21ſt 1705

THE houſe (according to order) Reſolved it ſelf into a Comittee of the whole houſe to Conſider further of his Excelys Speech & papers relateing Thereto & after Some Time Spent Therein Mr *Speaker* reſumed the Chair & Mr *Cary* reported from the ſaid Comittee That they had Come to Several Reſolutions which he Read in his place & then Delivered in at The Table where The Same were again Read and are as follows *viz*t

Reſolved That it is The Opinion of This Comittee That a Conferrence be Deſired with The Council Concerning the Moſt proper Methods of Securing the peace of the Country againſt The Indians

Reſolved That The houſe Doth agree to the ſaid Report

Reſolved That it is the Opinion of This Comittee That That part of his Excly• Speech Relateing to The Sailing of The Ships That are now in The Country vnder Capt *Tates* Convoy & The papers relateing Thereto be Referred to ye Conſideration of ye Comittee of Propoſitions & Greivances to Report Their opinions Therein.

Reſolved That The houſe Doth agree to The ſaid Report

Ordered That The Members of The Comittee for Publick Claims Carry to his Excly & Council a Copy of The Reſolve of This houſe made yeſterday Concerning a Day of Thankſgiving

Ordered

Ordered That The Members of ye Comittee for propoſitions & Greivances Deſire a Conferrence with the Council Concerning the Moſt proper Methods of Securing the peace of The Country againſt The Indians—and they being Returned

Mr *Randolph* Reported That they had Deſired a Conferrence Accordingly

Mr *Cary* Reported That The Committee Appointed had According to order Carryed to his Excly & Council a Copy of The Reſolve of The houſe Concerning a Day of Thanksgiving.

A Written Meſſage from his Excly & the Council by Mr *Robertſon*

By his Excellency and The hon^ble^ Council

*M^r^* Speaker *and Gent of The houſe of Burgeſſes*

His Excellency having at ye Opening of This Seſſion Laid before your houſe ſome papers relateing to The Indians, Purſuant to his Excellencys Commands The *Nottoway* & *Nanſemond* Indians with ther [their] Interpreter as alſo one *Henry Briggs* who Attended his Excly Lately as Interpreter at y^e^ *Nottoway* Fort are now here in Town, his Excly & ye Council Recommend to your houſe to Examine Them for The Better Clearing what is contained in The ſaid papers.

And Then Mr *Robertſon* Acquainted The houſe y^t^ the Council had appointed Three of Their Members to Confer with Such a Number of The Burgeſſes as the houſe Shall Appoint Concerning the Moſt proper Method for Secureing The peace of The Country ag^ſt^ the Indians and That The ſaid Conferrees will be ready in The Conferrence Room on *Tueſday* next at Ten a Clocke in The fforenoon

Ordered That *Thomas Wyn* Interpreter to The Southern Indians & *Henry Briggs* be Called into The houſe & that They be Directed to Ask The Indians That Came with Them Whether They have any Thing to Lay before the houſe and That They Make Report as Soon as poſſible What it is.

Mr *Randolph*.....M^r^ *Foſter*
Mr *B. Harriſon*.....Mr *Hoe*
Mr *Bolling*.....M^r^ *W Robertſon*

Were Appointed Managers for The houſe in The Conferrence with The Council Concerning the Moſt proper Method for Securing The peace of The Country againſt The Indians.

Ordered That They Give Their Attendance upon it at The Time and place Appointed by ye Council

Ordered That Mr *Benj^a^ Harriſon*, Mr *Bolling* & Mr *Hoe* Acquaint ye Council that This houſe hath appointed Six of Their Members to Joyn in The Conference with Their Honours at The Time & place by Them Appointed

The Claims of *Accomack* County were preſented to The Houſe and Referred to The Conſideration of the Comittee for Publick Claims to Examine ye Subject Matter Thereof and Report The Same with their Opinions Therein to The houſe.

The houſe being Informed That *Thomas Wyn* and *Henry Briggs* are not to be found, Ordered That They Attend The houſe on *Munday* next.

And Then The houſe adjourned Till *Munday* Morning Ten a clock.

Munday April ye 23^d^ 1705

THOMAS *Wyn* and *Henry Briggs* were (According to order) on *Satturday* Laſt) Called into The houſe and being Directed to Ask the Indians that Came with them whether they had any Matters to Lay before this houſe; were Ordered to Withdraw, and after Some Time were again Called into The houſe & being heard what They had to Say on Behalf of y^e^ ſaid Indians were ordered to withdraw a Second time and being Withdrawn.

Ordered

Ordered That The Said *Thomas Wyn & Henry Briggs* Put into Writeing What The ſaid Indians Deſire together with a perticular Account of ye Number of men Women & Children That Recide at The *Nottoway* Town.

And Then The houſe adjourned Till to Morrow Morning nine a Clock.

Tueſday Aprill ye 24th: 1705

SEVERAL Claims from The Countys of *Charles City Northumberland, Elizabeth City & Iſle of Wight* Were preſented to The houſe and Referred to The Conſideration of The Comittee for Publick Claims to Examine the Subject Matter Thereof and Report The Same with Their Opinions Therein to ye houſe

A Petition of *Joſeph Holt* a Preſbyter of the Church of *England* was preſented to The houſe & Read wherein he ſets forth That he was Formerly Benefic'd in This Dominion untill Mr Commiſſary *Blair* by an Illegal Suſpencion Forc'd him to ſeek new habitation in another province to his great Detriment & Therefore praying That This houſe would be pleaſed to Interceed for him to his Excly. That he might Obtain Leave to Return into This Government again where Some Conveinient vacancy Preſents.

Ordered That The Said Petition be Rejected

A petition of *James Taylor* Gent. praying That he May be admitted to go upon a Diſcovery on ye back parts of *King* and *Queen* County.

Part of a Letter from Mr *Tobias Bowles* to a Gen^t^ in *Maryland* concerning The *French* of *Canada* being Referred from The hon^ble^ Council to the Conſideration of the houſe were Severally read

Ordered That the Conſideration of The ſaid Petition & Letter be Referred to ye Comittee of Propoſitions and Greivances to Report Their Opinions Therein.

A Letter from *James Wood* To Capt *Braxton* Concerning The Indians

A Letter from Governour *Seymore* to his Excellency Concerning Indians &c:

Being Referred from The honourable Council to The Conſideration of The houſe were Severaly read.

Ordered That The Said Letters be Referred to the Conſideration of The Conferrees Concerning The Moſt proper Method for Secureing The peace of The Country againſt the Indians

A Petition of The Queen of *Pamunkey* Town and her great Men being Referred from his Excellency & the hon^ble^ Council was Read.

Ordered That The Said Petition be Referred to The Conſideration of the Conferrees Concerning The moſt proper Method for Securing The Peace of ye Country againſt the Indians.

A Petition of The Inhabitants of *King* and *Queen* County was preſented to The houſe and read praying that There may be fifty Acres of Land Appointed & Laid out for a Town in The ſaid County.

Ordered That The Said Petition be Referred to The Conſideration of The Comittee for propoſitions & Greivances to Report Their Opinions Therein.

A Petition of *Joſeph John Jackman* Sherrif of *Surry* County was read praying to be Reimburſed Two hundred pounds of Tobacco Which by Miſinformation was Levied Laſt Generall Aſſembly on *William Jackſon* for which the ſaid *Jackman* hath Accounted in the publick Levy:

A Petition of *Henry Briggs* was read praying to be Allowed for Services by him Done by order of his Excellency on The Indian Affair.

Ordered That The Said Petitions be referred to ye Conſideration of ye Comittee for publick Claims to Report Their opinions Therein

Thomas Wyn and *Henry Briggs* having (According to order) put into Writing What ye Indians That Came with them Deſire together with a perticular Account of the Number of Men Women & Children that Reſide at The *Nottoway* Town, The ſame was preſented to The houſe with a Petition of The *Maheron* Indians

Ordered

Ordered That The Said Papers be Referred to the Conſideration of The Conferrees Concerning the Moſt proper method for Secureing The peace of The Country againſt ye Indians.

The houſe (According to order) proceeded to ye Conſideration of Mr *Robert Beverleys* Letter together with the papers Therein Mentioned and after Some Time Spent Therein Came to Several Reſolutions as ffollow

Reſolved That The houſe Will proceed to The vindication of Themſelves & her Majeſtys good Subjects in This Country from the Aſperſions Caſt upon Them by Col^o^ *Robert Quarry.*

Reſolved That Col^o^ *Robert Quary* having Repreſented to The Lords Com^rs^ for Trade That Commonwealth Principles do Improve In This Country is guilty of a Scandalous & ffalſe Reflection upon her Maj^tys^ Subjects here.

Reſolved That Col^o^ *Robert Quary* having repreſented That her Majeſtys Subjects in this Country do Endeavour to procure to Themſelves greater Privilledges then The reſt of her Majeſtys Subjects have is Guilty of a Scandalous & ffalſe Reflection upon her Majeſtys Subjects here

Reſolved That Col^o^ *Robert Quary* having Repreſented That the Aſſembly of *Virginia* have Endeavoured to procure to Themſelves greater Rights & Priviledges then they ought to have is guilty of a ffalſe and Scandalous Reflection upon the Aſſembly & greatly Tending to The Diſtruction of the Liberty & priviledges of the ſaid Aſſembly and other her Majeſtys good Subjects here.

Reſolved That The ſaid ffalſe and Scandalous Reflection of the ſaid Col^o^ *Robert Quary* do greatly Tend to the Betraying The good Subjects of This Country to her Majeſtys Diſpleaſure and to Create a Miſunderſtanding between her moſt gracious Majeſty and her good Subjects here.

Reſolved Than [That] an humble Addreſs be prepared to her moſt gratious Majeſty to Vindicate ye Aſſembly & people of This Country from Such ffalſe & Scandalous reflections to Aſſure her Majeſty of the Conſtant and Sincere Loyalty & Affection of her Subjects here & humbly to beſeech her Majeſty not to give Credit to any Such Miſrepreſentation that ſhall be made to ye prejudice of her good Subjects here,

Ordered That The Thanks of The houſe be given Mr *Robert Beverley* for ye Service he has Done the Country in Sending his Letters & Papers Therewith Incloſed to this houſe and That Mr *Benjn Harriſon* do the ſame.

And Then The Houſe adjourned Till to Morrow Morning Nine a Clock.

Wedneſday April ye 25th 1705

A PETITION of The houſekeepers & ffreeholders in The vper part of St *Stephens* parriſh praying That The ſaid parriſh may be Divided.

A Petition of Several Merchants & planters Concerning Tobacco packed before The makeing the Late Act for aſcertaining the Size of Tobacco hhd^s^

Being Referred by the hon^ble^ Council to ye Conſideration of the houſe were Severaly Read.

Ordered That The Said petitions be Referred to The Conſideration of The Comittee for Propoſitions & Greivances to Report Their Opinions Therein.

A Written Meſſage from his Excellency & ye honour^ble^ Council by Mr *Robertſon* Who Brought Therewith Some papers Relateing Thereto

By his Excly & ye hon^ble^ Council

*M^r^* Speaker *& Gent. of The houſe of Burgeſſes*

His Excellency and the Council having Received Complaints of Encroachments made by the Government of *North Carolina* on The Inhabitants of This her Maj^tys^ Colony as will appear to Your houſe by the petition herewith Sent Think it of Conſequence that Some Courſe be Taken to Secure her Majeſtys Subjects holding by Titles from

from This Government till the Boundarys be Setled & Recommend to your houſe to Conſider of Some proper Method for Effecting Thereof & if you judge it Conveinient to Treat with Mr *Low* the Secretary of *Carolina* (who is now in Town) for the better bringing that Matter to a Speedy Iſue.

The Said Meſſage & Papers being Severally read

Ordered That The Conſideration Thereof be Referred to The Comittee of Propoſitions and Greivances.

Ordered That Mr *Cary* & Mr *Wilſon* Treat with Mr *Low* Secretary of *North Carolina* Concerning ye Incroachments made by That Government on The Inhabitants of This Colony

A Petition of *Chriſtopher Robinſon John Robinſon* and *Harry Beverley* ffeoffees in Truſt for ye Town Land of *Middleſex* County Praying That all proceedings Towards the Building of a Court houſe in the ſaid County May Ceaſe &c.—And a Petition of The ſaid Feoffees Praying to be heard on Their Complaint about Roads to The Town Land in The ſaid County of *Middleſex*.

Being Referred by The honble Council to The Conſideration of the houſe were Severaly Read.

Ordered That The ſaid Petitions be Referred to ye Conſideration of The Comittee of Propoſitions & Greivances to Report Their Opinions Therein.

Ordered That it be an Inſtruction to ye ſd Comittee to give the Petitioners notice when they Take the ſaid Petitions into Conſideration.

Several Propoſitions and Greivances from ye Countys of *Middleſex*, *New kent*, *King & Queen King William* and *York*.

Being Referred by The honble Council to the Conſideration of the houſe were Read & Referred to The Comittee of Propoſitions & Greivances to Report Their Opinions Therein.

A Petition of *James Moſs* Late Sherrif of *New kent* County praying an Allowance for Impreſſing Several Men & horſes to guard ye *Nanſiattico* Indians from the brick houſe fferry.

A Petition of *John Redwood* praying That The Charge of Impriſonment of the *Nanſiattico* Indians may be paid him in Mony.

A Petition of *William Chapman* praying an Allowance of his Annual Penſion of one Thouſand pounds of Tobacco.

The Claim of *Richard Covington* of Two Thouſand Eight Hundred & Two pounds of Tobacco.

A Petition of *John Redwood* praying an Allowance of Thirty pounds *Sterling* being his Annuall Salary as Goal keeper.

A Petition of *Robert Bird* Sherrif of *King & Queen* County praying Allowance for Conveying the *Nanſiattico* Indians Through The ſaid County & Impreſſing a guard for that Service

Being Referred by the honble Council to ye Conſideration of The houſe were Severally Read Except the Claim—

Ordered That The Said Petitions & Claim be Referred to the Conſideration of The Comittee for Publick Claims to Report Their Opinions Therein.

A Petition of *Thomas Whitby* praying an Allowance for Putting on and Taking of The priſoners Irons & other Services

Being referred by The honble Generall Court to the Conſideration of The houſe was Read.

Ordered That The ſaid Petition be Referred to ye Conſideration of The Comittee for Publick Claims

A Petition of *Thomas Whitby* praying That he May be paid after the Rate of Fifty pounds ℔ *Annum* for Three Months & Seventeen Days which he was to have by Agreement with The Comittee Appointed to Overſee the Building The Capitol

A Petition of *Thomas Whitby* praying Allowance for his Attendance to hoyſt the flag this and the Laſt Aſſembly and Generall Court.

A

A Petition of *John Kimbrough* praying an Allowance of his Annual penſion

A Petition of *Thomas Barbar* and *Thomas Ballard* praying Allowance for Inſpecting and overſeeing the Building of the Capitol.

A Petition of *William Randolph* Junr praying the vſuall Allowance for Duplicates of the Journals & Laws of the Laſt Aſſembly Delivered his Excellency to be Tranſmitted to *England*.

A Petition of *William Barbar* Sherrif of *York* County Praying an Allowance for his Attendance on Two Generall Courts

Were Severally Read

Ordered That The Said Petitions be Referred to ye Conſideration of The Comittee for publick Claims to Report Their Opinions Therein.

The Claims of *Warwick* County were preſented to the houſe and Referred to ye Conſideration of the Comittee for Publick Claims to Examine ye Subject Matter Thereof & Report The Same with Their Opinions Therein to The houſe

Mr *Randolph* from the Conferrence with ye Council Concerning the Moſt proper Method for Secureing ye peace of the Country againſt The Indians Reported the Subject Matter of The Conferrences ſo far as they had proceeded

Mr *Cary* Reported The Several Matters of ye Diſcourſe between Mr *Low* Secretary of *North Carolina* & himſelf and the other perſon Appointed to Treat with the ſaid *Low* Concerning the Incroachments made by That Government on The Inhabitants of This Colony

A Written Meſſage from his Excellency by Mr *Robertſon* who brought with him Some papers relateing Thereto

Mr Speaker *and Gent of the Houſe of Burgeſſes*

In My Progreſs Through The Country I have been Solicited by Several perſons Concerning the Late Law for Aſcertaining The Size of Tobacco hhds as having made no proviſion for Such hhds as were packed before The Making of That Act, I have All ways adviſed Such Complainants to Apply Themſelves to ye Aſſembly, & I Suppoſe you have before you Some propoſitions & Greivances about That Matter, I Dont Doubt but you are fully Sattisfyed how abſolutely Neceſſary it is to put yt Law in Strict Execution and That orders be given for Meaſuring all hhds Shipt, ſo That Thoſe who are willing to be Obedient to ye Rules of ye Law May not be Looſers While others by Contempt of it. Reap The Benefit in point of Interreſt Tho not of honeſty, if you Think proper to Make a Law That Thoſe old hhds ſhould be Shipped I Suppoſe you will alſo Think it Conveinient to Lay Some Additional Duty on Them

I have had Several Complaints of great abuſes Comitted by people Living on The Sea Coaſt of this Colony in Takeing away and Detaining The goods & Comoditys Belonging to Veſſels hapening to be Caſt away There Perticularly Laſt Winter a Privateer was Caſt away upon The Coaſt of *Princeſs Anne* County Suppoſed to be worth Several Thouſand Pounds in Comoditys &c: the greateſt part whereof was Taken & Concealed by Some of the Inhabitants Thereabout, If you think proper her Majeſtys Attorny Generall, will give you a full account of yt Affair and I Earneſtly Recommend to you to Examine into it & by a Law or otherwiſe Apply a Speedy Remidy to this growing Evill Which if not prevented may bring a Reflection upon our Religion in Genll & This Country In Perticular, I alſo Recomend to you the Caſe of Ships or Veſſels That are Caſt away or Diſſabled in The Country after they have Loaded What will be the moſt proper way to Secure Their Lading for ye Benefit of the Freighters and The Riggin & Stores belonging to ye Ship or Veſſel for ye Benefit of ye owners it being to Common a Practice for ye Maſter or Commander In Such Caſe to Diſpoſe of ye Riggin or what Elſe will bring Mony & to Leave ye Country & many Times Renders no Account to ye Owners

Wee have found Some Difficulty in ye Generall Court about The Taking up of Deſerted Lands whether the *onus probandi* Lys on the petitioner or on The party pretending Right by pattent and I herewith Send you an Order of The Genll Court

on

on a petition for Lapſed Lands And Recommend to you to regulate That Matter ſo as may prevent Diſpute for the future There have Likewiſe been Some Diſputes Concerning the Securitys given for perſons Sued at ye Gen^ll^ Court and This Court having Reſolved To Refer That Caſe to The Aſſembly I Therefore ſend you The Copy of ye Gen^ll^ Courts order for yor Conſideration, Theſe things being of publick Concern to the whole Country I Dont Doubt your Speedy Care Therein

ffr. Nicholſon

The Said Meſſage & papers being Severaly read

Ordered That The Conſideration Thereof be Referred to ye Comittee for propoſitions & Greivances to Report Their opinions Therein

And Then The houſe adjourned Till to Morrow Morning Nine a Clock.

Thurſday April ye 26th 1705

THE Anſwer of The Court of *Middleſex* County to ye Matter Complained of to his Excely by ye Feoffees in Truſt for ye Town Land in ye Said County being Referred by The hon^ble^ Council to the Conſideration of ye houſe was Read.

Ordered That ye Same be Referred to ye Conſideration of ye Comittee for Propoſitions & Greivances to Report Their Opinions Therein

A Petition of Mr *Rice Hoe* was Read praying Allowance for Sending & going to *Maryland* on the Indian Affair.

Ordered That ye Conſideration of ye Said petition be Referred to ye Comittee for Publick Claims to Report Their Opinions Therein

Several Propoſitions of *Henry Fox* & others were read & Referred to ye Conſideration of The Comittee for propoſitions & Greivances

Mr *Randolph* from ye Conferrence with ye Council Concerning the Moſt proper Method for Securing ye peace of The Country againſt ye Indians Reported The proceedings of ye Conferrence Since Their Laſt Report

Vpon a Motion Made by a Member of ye houſe

Ordered That ye Chairman of ye Comittees give Directions for ye Making of Such Tables, ffforms, & other Neceſſarys as The Said Comittees ſhall want

Reſolved That The houſe will to Morrow Morning Take into Conſideration the Report of ye Conferrees with ye Council Concerning The moſt proper Method for Securing The peace of ye Country againſt The Indians.

And Then The houſe adjourned Till Two a Clock afternoon.

Poſt Meridiem

A Petition of Mr *Charles Chiſwell* praying his vſual Allowance for publick Services as Clerk of The Secretarys office for one year.

A Petition of Mr *Thacker* praying to be Allowed for Tranſcribing Some Torn Leaves in two Bookes of Pattents & for getting The ſaid books new bound.

A Petition of Mr *Thacker* in behalf of Mr Secretary *Jennings* praying Allowance for two hundred and one Millitary Comiſſions and one Writt for Election of a Burgeſs.

A Petition of *James Adams* praying his uſual Allowance for being Interpreter to ye Northern Indians one year

A Petition of *Thomas Wyn* praying his uſual Salary for being Interpreter to ye Southern Indians this Laſt year

Being Referred by The hon^ble^ Council to The Conſideration of ye houſe were ſeveraly read

Ordered That The Said Petitions be Referred to The Conſideration of ye Comittee for publick Claims to Report Their opinions Therein.

Mr *Randolph* from ye Comittee of Propoſitions & Greivances Reported y^t^ y^e^ ſaid Comittee had Taken into Conſideration That part of his Exclys Speech relateing to

y^e^

ye Sailing of The Ships That are now in ye Country under Capt *Tates* Convoy and The papers Relateing Thereto and Therein had come to a Refolution which he read in his place and afterwards Delivered in at ye Table where The Same was read & agreed unto by ye houfe and is as followeth *Viz^t^*

Refolved That her Majeftys Ship The *Strumbulo* Capt *Mathew Tate* Commander is not a Sufficien Convoy for ye Ships now in The Country, & Therefore That it is not either for her Majeftys Service or ye Countrys Intereft That ye faid Ships fhould fail with her.

Ordered That The Committee of propofitions & Greivances Carry a Copy of the faid Refolve to his Excly as foon as They Conveiniently Can.

And Then The houfe Adjourned Till to Morrow Morning Nine a Clock

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Fryday Aprill ye 27th 1705

MR *Randolph* from The Comittee of propofitions and Greivances Reported That ye Said Comittee had Taken into Confideration Several of The Matters to Them Referred and Therein had agreed upon Several Refolutions which he read in his place and afterward Delivered in at ye Table where they were again Read.

Then Mr *Randolph* Reported That (According to Order) The Committee for propofitions & Greivances had Delivered to his Excellency a Copy of ye Refolve of The houfe Concerning the Ships Sailing under Capt *Tate^s^* Convoy.

A Written Meffage from his Excly by Mr *Robertfon*

*M^r^* Speaker *and Gent of The Houfe of Burgeffes*

I have Received her Majeftys Commands Concerning The Incourageing The production of pitch & Tarr in This Country & I herewith Send you ye Letters which I had from ye Right hon^ble^ ye Lords Com^rs^ for Trade & Plantations and The Right Honourable Mr Secretary *Hodges* about That Matter & I Dont Doubt but you will Take Such Meafures Therein as may beft anfwer her Majeftys Royall Intention. I alfo Send you The proceedings in Council on ye Lords Letter with what Return I have had from *Northampton* County which is all I have yet Receiv'd

I Likewife Send you her Majeftys Royall proclamation and a Letter to me from The Right hon^ble^ the Lords Com^rs^ for Trade & plantations Concerning Afcertaining The Rates of fforreign Coyns in ye plantations with what was Done in Council upon it, I alfo Send you a Letter Which I Rec̃d from ye Right hon^ble^ ye Lords Com^rs^ for Trade & plantations Directing that Maſters of Ships be Enjoyn'd to Sink all Letters Sent from the Plantations to *England* In Cafe of Danger from any Enemy with ye order of Council wch Iffued upon it

ffr. Nicholfon

A Greivance of The uper Inhabitants of *Effex* County Concerning The *Nanfiattico* Indians being Referred from his Excly. & Council was read

Refolved That it is The opinion of This Houfe That The Said Greivance will be Anfwered in The proceedings of the houfe upon The Report of ye Conferrees with The Council Concerning the Moft proper Method for Securing the peace of The Country againft the Indians

Then The houfe (According to Order) took into Confideration The Report of The Conferrees with ye Council Concerning the Moft proper Method for Secureing the peace of ye Country againft ye Indians and Thereupon Come to Several Refolutions which are as ffollows.—

Refolved That The *Nanfiattico* Indian Children under Twelve years of age be bound out amongft The *Engliſh* here to be Servants Till they are four & Twenty years old and That they be Reftrained from Setling in any Indian Town after They are ffree.

Refolved That The Children of The ffemales During their Servitude be Servants Till they are Twenty four years of age.

Refolved

Refolved That Proviſion be made for Bringing up Thoſe Children born as aforeſaid in ye Chriſtian Faith

Refolved That all the Reſt of the *Nanſiattico* Indians be Tranſported beyond Sea There ſold to be Servants for ſeven years & afterwards to be ffree with a proviſo That They never Return to This Government on pain of fforfeiting their Lives.

Ordered That it be Referred to The Comittee of propoſitions and Greivances to prepare & bring in a bill According to the Said Reſolutions.

Ordered That The Meſſinger give The Goal keeper notice that This houſe Doth Expect he will keep The *Nanſiattico* Indians in Cloſe priſon.

And then The houſe adjourned Till to Morrow Morning Nine a Clock

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Satturday Aprill ye 28th 1705

THE houſe proceeded on the Conſideration of ye Report of The Conferrees with the Council Concerning the Moſt proper Method for Securing the peace of The Country againſt The Indians and Thereupon Came to Several Reſolutions which are as follow.

Refolved That The Bounds for The *Nottoway* Indians Lands be Laid out for Them as ffolloweth (*vizt*) a Circle Three Miles Round Their Fort where they now Live, and an other parcel of Land on The South Side *Nottoway* River Six Miles Square, That is to Say begining upon the River and The Lower end of *Waricake* old fields and Running Three Miles up The River & Three miles Down and Six Miles Backwards into The woods upon Right Angles with The main Courſe of The River in That Six Miles

Refolved That The Said *Nottoway* Indians have all ye Lands Contained in an Iſland upon The South Side of *Nottoway* River between The Two Mouths of *Racoon* Swamp

Refolved That The Bounds of The *Maherin* Indians Land be Laid out as ffolloweth (*vizt*) a Streight Line Shall be Run up The Middle of The Neck between *Maherin* River and *Nottoway* River from The Mouths of ye Said Rivers ſo far as will Include between that Line and *Maherin* River So much Land as will be Eqval in Quantity to a Circle of Three Miles Round Their Town

Refolved That Proviſion be made That when any *Engliſhman* Shall Do any Injury to an Indian upon Complaint made to the next Magiſtrate he ſhall Send a Warrant for ye perſon Complained againſt and if he finds The matter within his Cognizance he ſhall do the Indian The Same Right that ſhould be Done to an *Engliſhman*; and if ye Matter is not within The Cognizance of one juſtice and he Sees juſt Cauſe ſhall bind The offender over to the next County Court who Shall proceed Thereupon and give The ſame Redreſs to The Indian That an *Engliſh* man Could obtain upon Regular proceſs; and That an *Engliſh* Man have The Like Remidy againſt an Indian

Refolved That proviſion be Made That The Late Act Prohibiting Indians hunting upon pattented Lands May not be Extended to The *Pamunkey* and *Accomack* Indians in the Countys where They Live

Ordered That The houſe be Called Over on *Munday* at one a Clock in The afternoon.

And Then The houſe adjourned Till *Munday* Eleven a Clock

Munday Aprill ye 30th 1705

ORDERED That it be given as an Inſtruction to the Comittee of Propoſitions & Greivances to add a Clauſe to the bill Concerning the *Nanſiattico* Indians agreeable to ye Reſolves of The houſe made on *Sattarday* Laſt for Setling the Bounds of y^e^ *Nottoway* & *Maherin* Indians Lands &c.

A Propoſition of Mr *Robert Bolling* & others was read and Referred to The Comittee of propoſitions & Greivances to Report Their Opinions Therein

Then The Report of The Comittee of Propoſitions & Greivances Made on *Fryday* Laſt was Read and Thereupon The houſe Took the Same into Imediate Conſideration

And

And upon Conſideration of The Report of The Said Comitte made upon a Greivance from *King & Queen King William & New kent* Countys and a propoſition from *York* County relateing to Tobacco packed in Cask Made before The Late Law Entituled *An Act for Tareing and Aſcertaining the Size of Tobacco hhds not of the Exact Size nor Tared According to The Said Law* And a petition of Several Merchants and Planters Relateing Thereto and praying Liberty to Ship Sell or Diſpoſe of The Same Without being Culpable by the Said Late Law.

The houſe Agreed to The Report of The Comittee *Viz*ᵗ

Reſolved That all Tobacco packed in hhds Made before the Said Laws Taking place May be Sold Shiped of or Diſpoſed of by The Owners Thereof Provided the Same be Done Within Twelve months after the End of This Seſſion of Aſſembly and That a Bill be prepared Accordingly

And upon Conſideration of The Report of The Said Committee made upon a Greivance from *King William* County That Rangers are not Appointed Conſtantly to Range and Look out in The Several ffrontier Countys within This Colony.

The houſe Diſagreed to yᵉ Report of The Said Comittee

Ordered That The Said Greivance be Conſidered When This houſe Takes into Conſideration the Moſt proper way for Defence of The Country

And upon Conſideration of The Report of the ſaid Comittee made upon a Greivance from *King William* County That Surveyors hitherto have not been appointed to Reſide in The Country Whereof he is Surveyor and That one perſon is Commiſſionated to Survey in More then The County wherein he Doth Reſide.

The houſe agreed to The Report of The Said Comittee *Viz*ᵗ

Ordered That The Said Greivance be Rejected

And upon Conſideration of The Report of The Said Comittee made upon a propoſition from *King & Queen* County propoſing The Advancing & Aſcertaining the Rate That *Spaniſh* & other Mony Shall paſs at

The houſe agreed to part of The Report of yᵉ Said Comittee with amendment & to part without amendment & to part Diſagreed & Thereupon Came to Several Reſolutions as ffollow

Reſolved That The Vallue of Coyn be Aſcertained & Setled at The ffollowing Rates. *Viz*ᵗ

That Peices of Eight *Mexico* Sevill, & pillar Seventeen peny weight Twelve grains paſs at Six Shillings all *Peru* Mony at Three pence The peny weight Ecus of *France* or Silver Lewis Seventeen peny weight Twelve grains Six Shillings, Cruſadoes of *Portugall* Eleven peny weight four grains Three Shillings and Nine pence, Three gilder peices of *Holland* Twenty peny weight Seven grains Six Shillings & Eleven pence Old Rix Dollars of The Empire Eighteen peny weight Ten grains Six Shillings Duckatoons of *Flanders* Twenty peny weight Twenty one grains Seven Shillings and four pence.

Reſolved That all halfs, Quarters & Leſſer peices *Mexico* Sevill & pillar Shall paſs at four pence The peny weight

Reſolved That all Lighter peices of Eight Shall paſs According to the aforeſaid Rates.

Reſolved That all Forreign Gold Coyn Shall paſs at Five Shillings The peñy Weight

Reſolved That a bill be prepared According to yᵉ ſaid reſolutions

And upon Conſideration of The Report of yᵉ ſaid Comittee made upon That part of his Exclys Meſſage relateing to The Meaſuring Tobacco hhds

The houſe agreed to The Report of The ſaid Comittee *Viz*ᵗ

Reſolved That The Law Allready Made Doth Sufficiently provide againſt The makeing of Tobacco hhds bigger Then The Size Therein Mentioned & That in Caſe of a Notorious Tranſgreſſion of The Law The Maſters of Ships will be forward Enough to Inform without any further Injunction Laaid upon them.

And upon Conſideration of The Report of The ſaid Comittee made upon That part of his Exlys Meſſage relateing to Lapſland Whether the *onus probandi* lys on The petitioner or on the party pretending Right by Pattent

The

The houſe agreed to The Report of The ſaid Comittee. *Viz*t.

Reſolved That When any perſon petitions for Lapſland it Shall Ly upon The petitioner to prove That ye Land is Lapſed

Reſolved That if any perſon having obtained a pattent for Land Shall Seat or plant The Same According to Law before any petition Shall be filed in The Secretarys office for a grant Thereof as Lapſed Such Seating or planting Shall be held as good as if it had been performed Within Three Years According to The pattent.

Reſolved That Clearing planting & Tending one Acre of Land Shall be held Sufficient planting for any Tract of Land under Two hundred Acres; and Clearing planting and Tending Two acres of Land Shall be held Sufficient planting for any greater Tract and That building a houſe Ten foot Square & Some perſon Living Therein one year Shall be Sufficient Seating for any Tract of Land under Two hundred Acres, and Building a houſe at Leaſt Twenty foot long & fifteen foot wide & Some perſon Living Therein one Year ſhall be held Sufficient Seating for any greater Tract and either of Theſe ſhall be Sufficient to ye Land According to The Condition of The pattent

Then The houſe (according to order) was Called over and The abſence of Thoſe That Did not appear Excus'd

His Exclys Meſſage to The houſe on *Fryday* Laſt together with The papers relateing Thereto were Severaly read.

Ordered That The Said Meſſage & papers be referred to The Conſideration of The Comittee of propoſitions and Greivances to Report Their opinions Therein

Mr *Randolph* from The Comittee of propoſitions & Greivances reported That The ſaid Comittee had Taken into Conſideration Several other Matters to them Referred and Therein had agreed upon Several Reſolutions Which he read in his place & afterwards Delivered in at The Table where They were again read

Ordered That The ſaid Report be Taken into Conſideration to Morrow Morning

A Petition of Mr *Harry Beverley* and The reſt of the ffeoffees in Truſt for The Town Land in *Middleſex* County was read praying to he heard before the whole houſe about placing the Court houſe in The ſaid County

Ordered That The Said Feoffees be Accordingly heard when The houſe Takes into Conſideration That part of The Report of The Comittee of propoſitions & Greivances which relates to The placing of the Court houſe in The Said County.

And Then The houſe adjourned Till to Morrow to Morrow Nine a Clock

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Teuſday May y^e^ *firſt:* 1705

ORDERED That it be referred to The Comittee of Propoſitions and Greivances to prepare & bring in a bill Concerning Tobacco being packed in Cask before The makeing of the *Act for Tareing and Aſcertaining The Size of Tobacco hhds*—

As alſo a bill for Advancing & Aſcertaining the Rate That *Spaniſh* Mony Shall paſs at According to the Reſolutions of The houſe Thereon Made.

The houſe According to Order Took into Conſideration the report of The Comittee of propoſitions & Greivances Made Yeſterday

And upon Conſideration of The Report of the ſaid Comittee Made upon a Petition of *Chriſtopher Robinſon, John Robinſon* and *Harry Beverly* Feoffees in Truſt to The Town Land in *Middleſex* County praying they Might [be] heard on their Complaint about Roads to the Town Land and placeing the Court houſe in The ſaid County.

Mr *Harry Beverley* was Called into The houſe and (according to order) heard what he had to ſay about placeing the Court houſe in The ſaid County of *Middleſex* & then ordered to Withdraw, Who Accordingly Withdrew and The houſe being in Debate Concerning the Same was Informed that Mr *Robertſon* Attended at ye Door.

Ordered That The Debate be adjourned

A Meſſage from his Excly by Mr *Robertſon*
Mr Speaker *and Gent of The houſe of Burgeſſes*

His Excly Commands The Imediate Attendance of This houſe upon him in The Council Chamber and Accordingly The houſe went to Attend his Excellency and being Returned Mr *Speaker* Acqvainted The houſe that According to his Excellencys Commands the houſe had been to Wait on him in The Council Chamber Where his Excellency was pleaſed to make a Speech and to give him a Copy Thereof with Several papers Relateing Thereto, and in Regard The ſaid Speech was Long would not Truſt to his Memory to Repeat The Contents but Read the Copy as ffolloweth.

Mr Speaker *and Gent of The houſe of Burgeſſes*

I am heartily Sorry That I Speak to you upon a Subject ſo Diſagreeable to Me but if I Did not I Think I Should fail in my Duty to God Almighty and her Moſt Sacred Majeſty and be Wanting in The great Love & Reſpect I had and always have for the welfare & proſperty of ye Inhabitants of this her Majtys Moſt Antient & great Colony & Dominion of *Virginia* Six of her Majeſtys honble Council were pleaſed to Petition her Moſt Sacred Majeſty againſt me as Likewiſe Sign a Memorial Containing Accuſations &c of My Mal Adminiſtration &c & Six Gent. in *England* have Made Affidavits againſt me Whereof one is The Reverend Mr *James Blair* Who alſo Signed ye petition her Majeſty hath been moſt gratiouſly pleaſed to Referr This Affair to The Right honble The Lords Comrs for Trade & plantations who proceeded Thereupon & Their Lordſhips have been pleaſed to Send me Authenticqve Copys of The Petition Memorial & Affidavits and other papers Concerning Them, as Likewiſe her Majeſtys Royall order in Council all which I now give to The honble Your Speaker as Likewiſe a Copy of The proceedings here in Council Thereupon, as for what hath been Done This Genll Court So many of you having been both Eye & Ear Wittneſſes I will not here pretend to give you an Account Thereof. If Theſe Gent had only Confined Their Complaints againſt me to what Related to Themſelves I would not have Troubled you with Theſe papers but I think they have Taken upon Them To Repreſent as if The better part of the Country were of Their Sentiments and That The publick peace & Tranqvillity of The Country was in Danger & its Circumſtances Deplorable and pray That The Government may be put into other hands &c. for my part I never heard before That Theſe Things were ſo, and I think There is a Law in The Country which Directs how The Greivances of The Inhabitants Shall he repreſented & whether they are or have been Greivances from your Several Countys or any of Them Concerning my Mal adminiſtration &c and That The Country is not in peace & Quietneſs & that The people whom you Repreſent Deſire That I May be no Longer their Governour. you know beſt I Dont In any manner Reflect upon Theſe Gentlemen for petitioning her Moſt Sacred Majeſty & how well Satisfyed I am with That Affair will appear to you by The journal of The Council

Gentlemen

If I were Conſcious to My Self That The five hundredth part of The Inhabitants here would joyn in Their petition I [and] Memorial to her Majeſty and Approve of their Affidavits I Should Think My Self in Duty bound for the Reaſons above So far to qvit ye Government as was Juſtifiable in me & to petition her moſt Sacred Majeſty That I may Lay her Majeſtys Commiſſion to me at her Royall ffeet, I had Rather Ly in a Goal & Live upon Bread & water an honeſt Man Then to have The Greateſt honour and Eſtate in The World and to be Such a man as they have Repreſented me. but I hope in god That it will not appear to you That I am Such an Ill Man but how Induſtrious ſome people have been in ye Country and Since your meeting to have Endeavoured to prove or Inſinuate That I am Such a one & That your Libertys propertys &c are going to be Invaded I ſuppoſe you know well enough.

You will find by Theſe papers What Characters are given of Several bodys of Men in This Country & it is Inſinuated as if Some of The Records were not True This I Think you will Do verry well—Nicely to Inquire into & I Recommend to you to give

Directions

Directions when they Shall be removed to The Capitol & who Shall See it Done, you will find by Mr *Blairs* 2d Affidavit, that he Accuſes me for not having Endeavoured to get you to Aſſiſt the Colledge in Their Neceſſity Tho I had the beſt opertunity by The Countrys Enjoying The vſe of The Colledge for The Aſſemblys Courts & Council while The Capitoll was A Building I am Likewiſe Taxed by him for Several Things Concerning The Colledge which I Recommend to you to Enqvire into as Likewiſe what he Accuſes me of in The ſaid Affidavit Concerning Induction of Miniſters whether I have refuſed to Induct any that have been Legally preſented to me, Mr *Blair* in his firſt Affidavit hath filled ye Latter part of it with a verry Strange Sort of an Account Concerning me [my] Deſigns of bringing in an Arbitrary Government by a Millitary fforce perticularly of The fifth Men, If he is No better a Divine Then a Soldier I Think he underſtands Divinity very Little but whether The Country are of The ſame Sentiments with him. I Suppoſe you Muſt Know I Think it very Strange I Should never hear of This nor any other Deſign that I am Accuſed of In my Travails through the Country or from The houſe of Burgeſſes or That they had Addreſſed her moſt Sacred Majty againſt me Which Things no Doubt they would have Done for they did it againſt one of my predeceſſors if they had had juſt Cauſe ſo to Do, but I Thank God That Inſtead of Theſe Things I have Received from you Addreſſes qvite of another Nature and That both before & Since The petition &c and I Should juſtly Deſerve That Worſt of Characters Ingratefull If I did not Return you my hearty Thanks for Them and That god Almighty will be pleaſed to Direct us all to Do What Shall be for his Glory her Majeſtys Intereſt & Service as Likewiſe of this her Majeſtys Colony & Dominion of *Virginia* are The moſt Cordial prayers of me

ffr: Nicholſon

Reſolved That The houſe will Take into Conſideration his Exclys Said Speech and papers Relateing Thereto on *ffryday* next

Then The houſe Reſumed The adjourned Debate Concerning the Report of The Comittee of Propoſitions and Greivances made upon a petition of *Chriſtopher Robinſon John Robinſon* and *Harry Beverley* ffeoffees in Truſt to The Town Land in *Middleſex* County & Some Time being Spent Therein

The houſe agreed to the Report of The Comittee *Viz*t

Reſolved That The Court houſe for the Said County be placed on *Worthams* plantation Where Some of The Materials for Building the Same allready Lys prepared

Reſolved That a Road be Laid out from The Lower part of the County to The Town Land and that the Same run from the Church up the Main Road as high as Mr *Churchills* plantation Called piney Quarter & ſo Down the neck of Land behind The ſaid Quarter to ſome Conveinient Landing upon The Creek ſide.

And upon Conſideration of The Report of The ſaid Comittee made upon That part of his Excellencys Meſſage relating to Securitys given for perſons Sued at the Genll Court

The houſe agreed to The Report of The ſaid Comittee *Viz*t

Reſolved That upon The Appearance of ye Defendant ye Bail is Diſcharged and as to The other part, That ye Defendant give other Bail to Stand by and Anſwer ye Condemnation the Laws of *England* Doth Sufficiently provide in that Caſe

And upon Conſideration of The Report of The Said Comittee made upon a petition of Several of The ffreeholders Inhabiting *King & Queen* County praying That fifty Acres of Land be Appointed in the Said County for a Town

The houſe agreed to The Report of The ſaid Comittee *Viz*t

Reſolved That Leave be given to bring in a bill for Impowering The Court of *King & Queen* County to buy Land for a Town in The Said County

Ordered That it be Referred to The Burgeſſes for *King* and *Queen* County to prepare and bring in ye ſaid bill

Ordered That The Committee for Elections & Priviledges Wait upon his Exc'ly and Deſire him to Iſſue out a new Writt for The Election of a Burgeſs to Serve in This Aſſembly for *Elizabeth City* County in the Room of Mr *Anthony Armiſtead* Decd.

Mr

Mr *Randolph* Reported That The Comittee for Propoſitions & Greivances to whom it was refered to prepare & bring in a bill Concerning The *Nanſiattico* & other Indians had prepared The ſaid bill which he Delivered in at The Table and Thereupon the Said bill being Read The firſt Time.

Ordered That it be Read a Second Time

Mr *Randolph* from ye Comittee of propoſitions and Greivances Reported That ye ſaid Comittee had Taken into Conſideration Several of The Matters to Them Referred and Therein had agreed upon Several Reſolutions Which he read in his place and afterwards delivered in at The Table where being again Read.

Ordered That The Said Report be Taken into Conſideration to Morrow Morning

And Then The houſe Adjourned Till to Morrow Morning nine a Clock.

Wedneſday May ye 2d 1705

A LETTER from Mr *William Armiſtead* a Member of This houſe Moveing for Leave to Attend his fathers ffunerall. was Read

And Leave Accordingly given him

Mr *Randolph* from The Comittee of Propoſitions & Greivances Reported That The Said Comittee had According to order prepared two bills *Viz*t

A Bill permitting The Exporting and Diſpoſeing of Tobacco packed in old Cask

A Bill for Setling and Aſcertaining the Current Rates of fforeign Coyns in This Dominion Which he delivered in at The Table—Then

A Bill permitting the Exporting & diſpoſeing of Tobacco packed in old Cask was Read The firſt Time

Ordered That the Said Bill be Read a Second Time

A Bill for Setling and Aſcertaining the Current Rates of fforeign Coyns in This Dominion was read the firſt Time

Ordered That The Said bill be Read a Second Time

The houſe According to order took into Conſideration the Report of The Comittee of propoſitions and Greivances Made yeſterday.

And upon Conſideration of The report of ye ſaid Comittee made upon The propoſition of Several perſons propoſeing that The Lands in *Pamunkey* Neck and on The South Side of The *Blackwater* Swamp and *Nottoway* River may be Laid open & That Liberty may be given to Survey and Pattent the Same in Like Manner as is allowed in The other parts of the Country

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That it will be for The Intereſt of her Majeſty and to the great Sattisfaction of Many of her good Subjects That Liberty be Allowed to Survey and pattent The Lands in *Pamunkey* neck and on the South ſide of *black water* Swamp and *Nottoway* River in Like manner as is allowed in The other parts of The Country and That Application be Accordingly Made to his Excty for ye Same.

And upon Conſideration of The Report of ye Said Comittee made upon a propoſition for alterring the Time of holding *King William* County Court

The houſe agreed to The Report of The ſd Comittee *Viz*t

Ordered That The Said propoſition be Rejected

And upon Conſideration of The Report of the ſaid Comittee Made upon a Meſſage from his Excty & Council Concerning The Complaints of Encroachments Made by The Government of *North Carolina* on the Inhabitants of This Colony.

The houſe agreed to The Report of ye ſaid Comittee *Viz*t

Reſolved That The Beſt way to prevent any ffurther Encroachments being made by The Government of *North Carolina* on The Inhabitants of This Colony, is to Make proviſion as ſoon as poſſible for Laying out and Aſcertaining the Boundaries between this Government and that of *North Carolina* & That Comiſſioners be Appointed and Impowered

Impowered by his Excellency with ye Advice and Conſent of the Council to Treat with Such Com^rs^ as Shall be Appointed by The Government of *Carolina* for Effecting The Same.

A Bill Concerning The *Nanſiattico* & other Indians was Read The Second Time

Ordered That The Said bill be Comitted to The Comittee Who prepared The Same for amendments

A Petition of *John Francis Decopet* praying to be Naturalized being Referred from his Excly and ye hon^ble^ Council was Read

Ordered That The Said pe'tion be Referred to ye Conſideration of The Comittee for propoſitions & Greivances to Report Their opinions Therein.

A Petition of Mr *James Minge* praying Allow for Eight Dyals by him prepared for Beautyfying the Capitol being Referred from his Excly and the hon^ble^ Council was read.

Ordered That The Said Petition be Referred to ye Conſideration of The Comittee for publick Claims to Report Their Opinions Therein

A Motion being Made and after a Debate

The Queſtion Put

That A Comittee be now Appointed to Draw an Addreſs to her Majeſty upon ye Reſolves of ye houſe

It Paſt in The Negative

And Then The houſe Adjourned till to Morrow Morning Nine a Clock

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Thurſday May The 3^d^ 1705

MR *Randolph* from ye Comittee of Propoſitions and Greivances to whom The bill Concerning the *Nanſiattico* and other Indians was Comitted for amendments reported y^t^ y^e^ ſaid Comittee had Made Several amendments to y^e^ ſaid bill which he was Directed to Report to ye houſe & Then Delivered The Said Bill and amendments in at The Table where The ſaid amendments being twice Read & agreed to.

Ordered That The Said Bill be Engroſſed with the amendments and Read a Third Time

Then Mr *Randolph* from the Comittee of propoſitions and Greivances Reported that the ſaid Comittee had Taken into Conſideration Several other Matters to Them Referred and Therein had agreed upon Several Reſolutions Which he read in his place & afterwards Delivered in at The Table where being again Read The houſe proceeded to The Imediate Conſideration Thereof

And upon Conſideration of The Report of y^e^ ſaid Comittee made upon a Petition from ye Inhabitants of St *Stephens* Pariſh in *King* & *Queen* County Deſireing the Parriſh Should be Divided

The houſe agreed to ye Report of ye Comittee *Viz^t^*

Foraſmuch as there are but few Subſcribers to The Said Petition & two Third of ye Inhabitants Living in The Lower part of That parriſh and The Burgeſſes of ye County Diſagreeing in The Matter.

Ordered That the ſaid Petition be Rejected

And upon Conſideration of ye Report of ye Said Comittee made upon The Petitions of ſeveral *ffrench* and other Refugees for Naturalization

The houſe agreed to ye Report of ye Comittee *Viz^t^*

Reſolved That all Such Refugees who have or ſhall Take the Oathes & Quallify Themſelves According to Law before ye Second Reading of The Bill to be prepared to that purpoſe be Naturalized and That the ſaid bill be prepared with all poſſible Expedition.

Ordered That it be Referred to The Comittee of propoſitions & Greivances to prepare & bring in The ſaid Bill.

And

And upon Conſideration of ye Report of y^e^ ſaid Comittee made upon a Petition of *James Taylor* to be admitted to go upon a Diſcovery on the back parts of *King* and *Queen* County

The houſe agreed to ye Report of ye Comittee *Viz^t^*

That if he be Willing to go upon his own Chare[1] his Exc^ly^ (if he pleaſes) will give him ſuch permiſſion.

And upon Conſideration of The Report of ye Said Comittee made upon ye Lords Com^rs^ for Trade &c Their Letter Concerning Sinking of Letters in Caſe of Danger.

The houſe agreed to The Report of ye Comittee with an Amendment and Thereupon Came to This ffollowing Reſolution

Reſolved That if Such Directions or Permiſſion Should be given to Maſters of Ships it would be very Prejudicial & Injurious to all Dealers & Traders and Cauſe many of their Letters to Miſcarry.

And upon Conſideration of The Report of y^e^ ſaid Comittee made upon That part of his Exclys Meſſage Concerning The Making of Pitch & Tarr and ye other Letters & papers Relateing Thereto

The houſe agreed to ye Report of ye Comittee *Viz^t^*

That in Several parts of *Virginia* as well as *Norfolk Princeſs Anne* &c There is great Quantitys of Barren Land not fit for Tobacco on which is growing great Number of pines, & were a Suitable Encouragement given & a Certainty of having it Diſpoſed of her Majeſty Might be furniſhed with a very Conſiderable Quantyty of Pitch and Tarr as [at] Reaſonable Rates.

And upon Conſideration of ye Report of ye Said Comittee made upon The propoſition of Several Inhabitants in *Glouceſter* County That great Damage and Miſchiefs have been Done by Setting old Feilds & woods on ffire &c.

The houſe agreed to The Report of ye Comittee *Viz^t^*

Reſolved That if any perſon or perſons Shall at any Time hereafter Wilfully or Deſignedly Set fire of any old ffields or Woods Whereby ye Land of any other perſon or perſons happens to Take ffire he ſhe or They Shall forfeit & pay to ye owner or owners of thoſe other Lands forty Shillings and be Lyable to an Action to be Commenced againſt him her or Them for Double Damage Which Shall Accrue to ye owner or owners of any Land not belonging to The perſon who firſt fired ye Land as aforeſaid and if Such ffierer of the wood be a Slave or Servant he ſhe or they Shall Receive Corporal Puniſhment

Ordered That it be Referred to ye Comittee of Propoſitions & Greivances to prepare & bring in a bill According to ye Said Reſolve

Ordered That it be given as an Inſtruction to y^e^ ſaid Comittee y^t^ the ſaid bill Do not Extend to ye Inhabitants on ye Eaſtern Shore in This Colony & Dominion

And upon Conſideration of ye Report of ye Said Comittee made upon That part of his Exclys Meſſage Relateing to Ships, Veſſells, & goods Caſt away upon the Sea Coaſt in This Colony. &c.

The houſe agreed to ye Report of ye Comittee with an amendment & Thereupon Came to This following Reſolution.

Reſolved That Leave be given to Mr *Attorny Gen^ll^* to bring in a bill to prevent abuſes for the future upon Such Accidents

Ordered That The Clerk Deliver unto Mr *Attorny Gener^ll^* a Copy of ye Said Reſolve.

And upon Conſideration of ye Report of the ſaid Comittee made upon That part of his Excly^s^ Meſſage Relateing to Ships or Veſſells Caſt away or Diſabled in the Country after they are Loaden & what will be the Moſt proper way to Secure Their Lading Riggin &c.

The houſe agreed to ye Report of ye Comittee *Viz^t^*

That ye Maſter being Intruſted by The Owners is Lyable to Take Care & give account of ye Same

And

[1] "Chare" here means piece of work or buſineſs. The word is ſtill uſed in England to ſignify an odd job, eſpecially of houſehold work—the familiar "chore" of the United States.

And upon Conſideration of ye Report of y^e^ ſaid Comittee made upon part of a Letter from Mr *Tobias Bowles* Concerning The *French* of *Canada*

The houſe agreed to ye Report of ye Comittee *Viz^t^*

That it is proper to be Taken into Conſideration when ye Gover^r^ of *Mary lands* Letter & other Matters Relateing to The Indians There, are Conſidered by The houſe

And upon Conſideration of ye Report of y^e^ ſaid Comittee made upon an order of ye houſe for Inſpecting ye Journall of ye Laſt Seſſion of Aſſembly

The houſe agreed to ye Report of ye Comittee *Viz^t^*

That there is not anything Therein Neceſſary to be Reported to ye houſe.

Mr *Walker* a Member of This houſe moveing for Leave to bring in a propoſition Concerning Orphan Children being Allowed Corn & Cloths after The Time of Their Servitude is Expired as is Cuſtomary to be allowed Servants Imported Leave is Accordingly given him—and the Said Propoſition being read

Ordered That The Conſideration Thereof be Referred to ye next Seſſion of Aſſembly

A Written Meſſage from his Exc^lcy^ ye honrable Council by Mr *Robertſon* who Brought Therewith part of a Letter from a Gentleman in *Philadelphia* to his Excellency.

By his Exc^ly^ & ye hon^ble^ Council

*M^r^* Speaker *and Gent of The houſe of Burgeſſes*

His Excellency having Reĉd a Letter from a Gentleman in *Philadelphia*. (a Copy whereof is herewith ſent) adviſing y^t^ Three *ffrench* privateers fitted out at *Martinico* are Ordered to Cruiſe between this Colony and *New England* and it being Dangerous for Veſſels to go from hence without Convoy his Exĉly and ye Council Deſire to have your Advice whether it may not be for her Majeſtys Service and The Interreſt of Trade to Lay an Embargo on all Veſſels bound for the Northern Colonys or y^e^ *Weſt Indies* untill her Majeſtys Ship *Strumbulo* Sail hence. Which will be about the Middle of next Month that they may have the Benefit of her Convoy of ye Coaſt & whether it may not be Conveinient Thereafter to Stop all Veſſels Bound to the Plantations until further advice That ye Said Privateers are gone from This Coaſt or Some other Man of Warr Arrive, here for the Security of the Country. Since your houſe are of Opinion y^t^ her Majeſtys Ship *Strumbulo* is not a Sufficien Convoy for ye Ships now in The Country bound for *England* and it Sometimes hapening y^t^ Ships of Warr from y^e^ *Weſt Indies* Call in here in Their way for *England* his Excellency & ye Council Deſire ye Opinion of your houſe What Shall be Accounted a Sufficient Convoy for Thoſe Ships in Caſe any Ships of Warr Should Come in here

The Said Meſſage & Letter being Severaly Read

Ordered That ye Conſideration Thereof be Referred to ye Comittee for Propoſitions & Greivances to Report Their opinions Therein

A Petition of *James Taylor* being Referred by the hon^ble^ Council to ye Conſideration of ye houſe was read

Ordered That The Said Petition be Rejeĉted

The Return of Major *Allen* About Laying out the Bounds of *Surry* & *Iſle* of *Wight* Countys being Referred by The hon^ble^ Council to ye Conſideration of ye houſe was Read

A Bill Permitting The Exporting and Diſpoſeing of Tobaco packed in old Cask was read ye Second Time

Ordered That ye Said bill be Engroſſed & read a Third Time

A Bill for Setling and Aſcertaining y^r^ Current Rates of fforreign Coynes in This Dominion was read the Second Time

Ordered That The Said bill be Comitted to ye Comittee who Prepared The Same for Amendments—and after Some Time

Mr *Randolph* Reported That the Said Comittee had made Several amendments to y^e^ ſaid bill, Which he was Directed to Report to The houſe—and Then Delivered y^e^

Said

Said Bill and amendments in at The Table where ye ſaid Amendments being Twice read and Agreed to

Ordered That The Said Bill with ye Amendments be Engroſſed and Read a Third Time.

And Then The houſe adjourned Till to Morrow Morning Nine a Clock

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Fryday May ye 4th 1705

A MEMBER of The houſe Acqvainted ye houſe That Colo *Lightfoot*, Colo *Carter*, & Colo *Ludwell* Attended at ye Door & Deſired to be heard on the Affidavits & Memorials &c againſt his Excly. And after a Debate The Queſtion being put That Colo *Lightfoot*, Colo *Carter*, & Colo *Ludwell* be heard before ye houſe proceed to ye Conſideration of his Exclys Laſt Speech.

It paſt in The Negative

Then The Said Member brought in a Letter from ye Said perſons

And after a Debate Thereupon

The Queſtion being put

That The Letter now brought into ye houſe be Opened and Read before ye houſe proceed to ye Conſideration of his Exclys Laſt Speech.

It Paſt in The Negative

Then The houſe According to order took into Conſideration his Exclys Laſt Speech & papers Relateing Thereto & ye ſaid Speech & papers being Severally Read

A Motion Was Made & after a Debate

The Queſtion being Put

Whether The Reſolve propoſed by Mr *Jenkins* Should be put to ye Queſtion

It paſt in ye Negative Twenty Six Nays & Twenty Yeas.

And Then a Motion being Made & after a Debate—The Queſtion being put

Whether ye houſe Doth agree to ye Reſolve propoſed by Mr *Cary*

Reſolved in The Affirmative Eighteen Nays and Twenty Seven Yeas.

And Thereupon

Reſolved That it is the opinion of this houſe That his Excellency The preſent Governour has a great Reſpect for The Welfare & proſperity of This Country and That ye better part of her Majeſtys good & Loyall Subjects here are not of ye Same Sentiments with That part of ye Council Which have Accuſed his Excly of Male-Adminiſtration

Then a Motion being made and

The Queſtion Put

That Candles be brought in

Reſolved in The Affirmative

And after Some Time—vpon a Motion made That the houſe Do adjourn

The houſe adjourned till to Morrow Morning nine a Clock

Satturday May ye 5th 1705

MR. *Nathaniel Harriſon* Acqvainted ye houſe That his brother Mr *Benjn Harriſon* Is very much Indiſpoſed and Therefore Deſires Leave to go into ye Country for Recovery of his health

Leave is Accordingly Given him

Mr *Edwd Hill* a Member of This houſe Moveing for leave to go into ye Country

Leave is accordingly given him

Ordered That he Attend the Service of ye houſe again on *Tueſday* next

Then The houſe proceeded to ye Conſideration of the Remaining part of his Excellencys Laſt Speech & papers relateing Thereto.

And

And after a Debate The Queſtion being Put That ye Reſolve propoſed by Mr *Randolph* be agreed to

Reſolved in The affirmative Seventeen Nays & Twenty Seven Yeas.

and Thereupon

Reſolved That The Publiek peace & Tranqvility of ye Country is under no Danger by his Excelleneys Adminiſtration and That The far greater part of ye Inhabitants are very Quiet and Well Sattisfyed being in peace & Quietneſs without The Leaſt Deſire of having his Exely Removed from being Their Governour

Then after a Debate The Queſtion being put Whether The Reſolve propoſed Should be agreed to

Reſolved in The affirmative—and Thereupon

Reſolved That it Doth not Appear That ye people whom This houſe Doth Repreſent have Complained againſt his Excellency for any hardſhips or Male adminiſtration

Reſolved Nemine Contradicente and Aceordingly *Ordered*

That The Records Belonging to ye Secretarys Office and the Reeords Belonging to ye Aſſembly Office be Removed to The Capitol with al Conveinient Expedition and That ye Reſpective Clerks Take Care to See The Same Done.

Then after a Debate—and

The Queſtion Put.

Whether The Reſolves propoſed Should be put to ye Queſtion

Reſolved in The Affirmative—and Thereupon

Reſolved That it no ways Appears to This houſe That his Exc^ly^ hath any Deſign to Introduce any Arbitrary power by a Millitary fforce of The fifth Men or any other way, or That he hath Endeavoured to Invade the Libertys & propertys of her Majeſtys Subjects here.

And Then after a Debate

The Queſtion being Put

Whether The Reſolve propoſed Should be put to The Queſtion

Reſolved in The Affirmative Seventeen Nays & Twenty Seven Yeas—and Thereupon

Reſolved That his Exc^ly^ Doth Still Merrit The worthy Characters which hath been heretoſore given him by this houſe in Several Addreſſes

Then after a Debate

The Queſtion being put

Whether The Reſolve propoſed Should be put to The Queſtion

Reſolved in The Affirmative Seventeen Nays and Twenty Seven Yeas

And Thereupon

Reſolved That Whoever pretends to Take vpon himſelf to Repreſent ye Country In Generall under any Greivance or preſſure without The Conſent and Authority of This houſe ſo to Do is Thereby Guilty of an unwarrantable Act Tending to the prejudice of The Country

Reſolved That Copys of The Reſolves of This houſe made upon his Exeellencys Laſt Speech be ſent to his Excellency as an anſwer to ye Said Speech

And then The Houſe adjourned Till *Munday* Morning Eleven a Clock

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Munday May ye 7th 1705

AN Engroſſed Bill Entituled *An Act Concerning the* Nanſiattico *and other Indians* was read The Third Time.

Reſolved Nemine Contradicente

That ye Said Bill Do Paſs

An Engroſſed Bill Entituled *An Act permitting the Exporting & Diſpoſeing of Tobacco packed in old Cask* was read ye Third Time.

Reſolved Nemine Contradicente

That The Said Bill Do Paſs

An

An Engroſſed bill Entituled *An Act for Selling & Aſcertaining The Current Rates of ffforreign Coyns in This Dominion* was read ye Third Time

Reſolved Nemine Contradicente

That ye Said Bill Do paſs

Ordered That Mr *ffofter*, Mr *John Weſt*, Mr *Foſſaker*, Mr *Baughan*, Mr *Wilſon* & Mr *Jenkins* Carry the Engroſſed bills which This Day paſſed The houſe to ye Council & Deſire Their Concurrence Thereto

Ordered That Mr *Corbin*, Mr *Smith*, Mr *Covington*, Mr *Turbervil*, Mr *Harris*, Mr *Hayne*, Mr *Epes*, Mr *Thorowgood*, Mr *Stith*, Mr *Tully Robinſon* Mr *Giles* and Mr *Thomas Weſt* Carry to his Excellency the Reſolves of This houſe made upon his Exclys Laſt Speech as an anſwer to The ſaid Speech

The Return of ye Writ for Election of a Burgeſs in *Elizabeth Citty* County in the Room of Mr *Anthony Armiſtead* Decd was read

Reſolved That *Nicholas Curle* Gent. is Duly Returned Burgeſs to Serve in This preſent Genll Aſſembly for the County of *Elizabeth City* in the Room of Mr *Anthony Armiſtead* Decd.

A Certificate of ye honble *John Cuſtis Phillip Ludwell* and *John Smith* Eſqrs Three of her Majeſtys honble Council was read wherein They Certifyed That by virtue of a Comiſſion to them Directed by his Excellency they have adminiſtred The oath appointed by Act of Parliament to be Taken Inſtead of The oaths of Allegiance & Supremacy the oath Mentioned in an Act Entituled *an Act to Declare The Alteration in The oath Appointed to be Taken by the Act Entituled An Act for the further Security of his Majeſtys perſon and The Succeſſion of ye Crown in The proteſtant Line & for Extinguiſhing the hopes of The pretended prince of* Wales *and all other pretenders & Their open & Secret Abetters and for Declaring ye Aſſociation to be Determined* as alſo The Teſt and Oath of a Burgeſs unto *Nicholas Curle* Gent. Returned a Burgeſs to Serve in This Generall Aſſembly for *Elizabeth City* County in The Room of *Anthony Armiſtead* Gent. Deceād.

Mr *Foſter* Reported That According to Order They had Delivered The Bills to The Council & Deſired Their Concurrence Thereto.

The Letter from ye honble *John Lightfoot Robt Carter* and *Phillip Ludwell* Eſqrs was read

Vpon a Motion Made by a Member of The houſe.

Ordered That The houſe be Called Over to Morrow Twelve a Clock

And Then The houſe adjourned Till to Morrow Morning nine a Clock

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Tueſday May ye 8th 1705

A WRITTEN Meſſage from his Excly by Mr *Robertſon* who Brought with him Severall papers Relateing Thereto.

Mr Speaker *& Gent. of The houſe of Burgeſſes*

I Recommend to you that you would give Directions how the Capitol Shall be finiſhed and I have Spoke to Mr *Henry Cary* Overſeer of ye work to Lay before you ye Accounts from ye Beginning as Likewiſe a paper Concerning What is wanting I alſo Recommend to you to See what Laws are nigh Expiring for Except there be an abſolute neceſſity (which god forbid) I Dont Think to have you Meet before ye fall if Then, but Rather not till the Spring.

The Twenty ninth of *March* 1703: There was Referred to ye Conſideration of your houſe the *Elizabeth City* Greivances, and I Suppoſe They were not proceeded upon for want of proof, But I herewith Send you Several Depoſitions Taken in That County Concerning That Greivance.

ffr Nicholſon

Mr *Walker* Reported That ye perſons to whom it was referred to prepare & bring in a bill to Enable the Court of *King & Queen* County to Purchaſe Land to Build a Town had prepared The ſaid bill which he Delivered in at The Table.

Mr

Mr *Randolph* from The Comittee of propoſitions & Greivances reported That The Said Comittee had According to Order prepared Two bills *Viz*t

A Bill for Naturalization of *Claud Phillippe de Richbourg, Francis Ribot, Peter Faure, John Joanny, James Champagne*, and others.

A Bill to Prevent perſons Wilfully fireing ye Woods, which he Delivered in at The Table—

Then Mr *Randolph* Reported that ye ſaid Comittee had Taken into Conſideration Several Matters to Them Referred & Therein had agreed upon Several Reſolutions which he read in his place and afterwards Delivered in at ye Table where They were again Read.

Then a Bill to Enable the Court of *King* & *Queen* County to purchaſe Land to Build a Town was Read The firſt Time

Ordered That The Said Bill be read a Second Time

A Bill for Naturalization of *Claud Phillippe De Richbourg, Francis Ribot, Peter Faur, John Joanny, James Champagne* & others was read the firſt Time

Ordered That The Said Bill be Read a Second Time

A Bill to Prevent perſons Wilfully firing ye Woods was read The firſt Time.

Ordered That The ſaid Bill be read a Second Time

Then The houſe Took into Conſideration ye Report of the Comittee of propoſitions & Greivances made This Day.

And upon Conſideration of ye Report of ye ſaid Comittee made upon That part of his Exclys and the honble Councils Meſſage relateing to a Letter his Excellency Recd. from a Gent. in *Philadelphia* Dated *Aprill* ye 16th 1705: giving Account That Three privateers of good force from *Martineco* were ordered to Cruiſe between This Colony and *New England* and Thereupon his Excellency & the Council Deſiring Advice Whether it May not be for her Majeſtys Service & ye Interreſt of Trade to Lay an Embargo on all Veſſels Bound for The Northern Colonys or the *Weſt Indies* untill her Majeſtys Ship the *Strumbulo* Sail hence (which will be about The Middle of ye next Month) as his Excellency is pleas'd to Say in his Said Meſſage &c.—as alſo upon Conſideration of That part of his Exclys & ye honble Councils Meſſage relateing to Stopping of Veſſells hereafter bound to The plantations untill further advice That ye Privateers are gone from ye Coaſt or Some other Man of Warr Arrives here &c.

The houſe Diſagreed to ye Reports of The Said Comittee and Thereupon

Reſolved That it is The Opinion of This houſe That no Imbargoes be Laid on Veſſell Bound for The Northern Colonys or The *Weſt Indies*

Vpon Conſideration of The Report of The ſaid Comittee made upon That part of his Exclys & the honble Councils Meſſage Wherein is Deſired The opinion of The houſe what Shall be Accounted a Sufficient Convoy if Some Ships of Warr Should happen to Arrive from ye *Weſt Indies*—

The houſe agreed to the Report of ye Comittee *Viz*t.

Reſolved That it is The Opinion of This houſe That Two or More men of Warr of good force may be Sufficient to Convoy Thoſe Ships now in The Country for *England*.

The houſe According to order was called over and ye abſence of Thoſe yt Did not appear Excus'd

Vpon a Motion Made by a member of ye houſe

Ordered That The Sherrif of *Richmond* County be Sent for in Cuſtody of ye Meſſinger to Anſwer his Default in not Making Return of ye Writt for Election of a Burgeſs to Serve in This Aſſembly for ye ſaid County of *Richmond* in The room of Mr *David Gwin* Decd.

A Comittee for Receiving Inſpecting and Examining Mr *Treaſurers* Accounts

Mr *Marable* ..... Mr *William Robinſon*

Mr *Edwards* ..... Mr *Turbervill*

Ordered That The Said Comittee Report Their proceedings Therein to ye houſe

A Member of The houſe Moveing for Leave to bring in a bill to Diſſable any Burgeſs from bearing any Office of profiit under ye Govr or Mr *Secretary* During the Sitting of An Aſſembly or Twelve Months After—

And

And after a Debate

The Queſtion being Put

Whether a Bill Shall be brought in to Diſſable any Burgeſs from bearing any office of proffit under ye Govern^r^ or Mr *Secretary* During the Sitting of Aſſembly & twelve months after

It Paſt in the Negative Twenty five nays and Twenty one Yeas

The Meſſage from his Exc^ly^ to the houſe This Day together with a propoſal of Mr *Henry Cary* Concerning the Capitoll were Severally read and Thereupon The houſe Took ye Said Meſſage into Imediate Conſideration and after Some Time Spent Therein Came to Several Reſolutions Thereon as ffollow.

Ordered That a Comittee be Appointed to Inſpect what Directions have been given about The Capitol & Likewiſe to Conſider what is further neceſſary to be Done to it

And Accordingly a Comittee was Appointed *Viz^t^*

Mr *Cary*.....Mr *Corbin*
Mr *Benj^a^ Harriſon*.....Mr *Ranſom*
Mr *Ballard*.....Mr *Edwards*

Ordered That it be Referred to The Said Comittee to Conſider & Report what Laws are allready Expired or near Expiring

Reſolved That it is The opinion of This houſe y^t^ in Regard The County of *Elizabeth City* hath not Thought fit to proſecute That Greivance any further Therefore it is not Neceſſary to proceed Thereon at This Time

The Several Claims of *Edward Roſs & John Redwood* Concerning The Indians being Referred by The Council to ye Conſideration of The houſe were Read

Ordered That The Said Claims be Taken into Conſideration When the book of Claims is Conſidered

Mr *Cary* from The Comittee of Publick Claims Reported That The Said Comittee had Taken into Conſideration the Several Matters of Claims to Them Referred & had agreed upon Diverſe Reſolutions Therein Which They had Entered into a book Called The book of Reports of The Comittee for publick Claims and had Directed him to Report The ſaid book to The houſe and Thereupon having preſented The Said book at The Table.

Ordered That The Said Book of Reports Do Ly upon The Table to be peruſed by The Members of The houſe and That The Same be Taken into Conſideration to Morrow Morning

Ordered That it be Referred to Mr *Nath^ll^ Harriſon*, Mr *Bolling*, M^r^ *Weſt* & Mr *Walker* to draw a Suitable Addreſs to his Excellency According to The Reſolve of The houſe on *Wedneſday* Laſt for Liberty to Survey & pattent The Lands in *Pamunkey* Neck & on The South Side of *Black water* Swamp

Ordered That it be Referred to Mr *Benj^a^ Harriſon*, Mr *Hill*, Mr *Churchil*, Mr *Jenkins*, M^r^ *ffoſter* & Mr *Stith* to Draw an Addreſs to her Majeſty According to The Reſolve of The houſe on the Twenty fourth of *Aprill* Laſt

Mr *Cary* Acqvainted The houſe That a Claim on Which ye Comittee of Publick Claims had Come to a Reſolution was by Miſtake omitted to be Entered in The book of Reports and Therefore moving for Leave to Inſert ye Same Therein

Leave is Accordingly Given

And Then The houſe Adjourned Till to Morrow Morning nine a Clock

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Wedneſday May ye 9th 1705

THE houſe According to order took into Conſideration The book of Reports of ye Comittee for publick Claims & having read The Same Thorough The Several Artickles Contained were agreed to by The houſe with Such additions and Alterations as are noted Down in the body of The ſaid book of Reports.

Then Mr *Robertſon* brought into The houſe from the Council

An

An Engroſſed Bill Entituled *an Act for Setling and aſcertaining The Current Rates of ffforreign Coyns in this Dominion* and with it a propoſal of amendments to be made Therein to which amendments if the houſe Should agree the Council would agree to The Bill

An Engroſſed Bill Entituled *An Act permiting The Exporting & Diſpoſing of Tobacco packed in old Cask* and with it a propoſal of Amendments to be made Therein to which amendments if the houſe Should Agree The Council would Agree to ye bill.

An Engroſſed Bill Entituled *an Act Concerning The* Nanſiattico *& other Indians* & with it a propoſal of Amendments to be made Therein to Which amendments if The houſe Should Agree The Council Would agree to The Bill

Mr *Gawin Corbin* a member of The houſe Moveing for Leave to go into The Country upon Extraordinary Occaſion

Leave is Accordingly given him.

Reſolved That the houſe do forthwith Take into Conſideration the Allowances for The Reſpective Officers That have attended this Seſſion of Aſſembly Together with all Such ffurther Allowances as Remain to be added to The Book of Reports of ye Comittee for Publick Claims and after Some Time Spent Therein The houſe agreed to Several allowances which were added to the Said Book.

Ordered That The Comittee for Publick Claims do forthwith Carry to ye Council The book of Reports of y^e^ ſaid Comittee with ye Additions This Day made in The houſe and Deſire Their honours Concurrence Thereto

The houſe being informed That The Sherrif of *Richmond* County who was ordered to be Taken into Cuſtody of The Meſſinger) Did Laſt night make Return of ye Writt for Election of a Burgeſs to Serve in This Aſſembly for ye Said County of *Richmond* in The Room of Mr *David Gwin* Dec̃d.—it is Therefore ordered That he be Diſcharged out of Cuſtody paying ffees

Ordered That Mr *Barber* & Mr *Ballard* Juſtices of peace for *York* County Do at ye Barr of ye houſe adminiſter ye oaths to ye Several aliens y^s^ now Attend in order to Their Naturalization.

Mr *Cary* Reported That According to order The Comittee for Publick Claims had Delivered The Book of Reports of The Said Comittee to The Council and Deſired Their Concurrence Thereunto

A Bill to Enable The Court of *King* and *Queen* County to Purchaſe Land to Build a Town was Read The Second Time

Ordered That ye Said Bill be Engroſſed and read a Third Time

A Bill for Naturalization of *Claud Phillippe De Richbourg, Francis Ribot, Peter Faure, John Joanny, James Champagne* & others was read The Second Time, and ſome Amendments being Made Therein at The Table & Twice read

Ordered That The Said Bill with ye amendments be Engroſſed & Read The Third Time

A Bill to prevent Perſons ffiring ye Woods Was read The Second Time

And after a Debate

The Queſtion being put

That The bill be Engroſſed

It Paſſed in ye Negative

The houſe Took into Conſideration The amendments propoſed by The Council to the Engroſſed bill Entituled *an Act for Setling and aſcertaining The Current Rates of ffforreign Coyns in This Dominion* and having gone Thorough The Same part were agreed to and part Diſagreed to.

Ordered That a Conferrence be Deſired with ye Council upon That amendment to y^e^ ſaid bill which is Diſagreed to by the houſe

Ordered That Mr *Benjn Harriſon*, Mr *John Weſt* and Mr *Tully Robinſon* wait upon The Council & Deſire ye Said Conferrence.

Then The amendments propoſed by ye Council to The Engroſſed bill, Entituled *An Act permitting The Exporting and Diſpoſeing of Tobacco packed in old Cask* were read & agreed to by The houſe and Inſerted in The Bill

M^r^

Mr *Harrifon* from The perfons Appointed to Defire a Conferrence with ye Council upon yt Amendment to ye bill Entituled *An Act for Setling and Afcertaining The Current Rates of ffforreign Coyns in This Dominion* which was Difagreed to by This houfe—Reported That they had been with ye Council and Defired a Conferrence Accordingly

Then The houfe Took into Conſideration The amendments propoſed by The Council to ye Engroſſed bill Entituled *An Act Concerning The* Nanſiattico *and other Indians*—and The houſe being in Debate Concerning The Same, was Informed That Mr *Robertſon* Defired Admittance

Ordered That The Debate be adjourned

A Meſſage from the Council by Mr *Robertſon*

Mr Speaker *and Gent of the houſe of Burgeſſes*

I am Commanded by the honble Council to Acqvaint you That Their honrs agree to the Conferrence Defired by this houſe on the amendments propoſed by their honrs to the bill Entituled *An Act for Setling and Afcertaining The Current Rates of ffforreign Coyns in This Dominion* and have Appointed Three of Their Members to Meet Such a Number of The Burgeſſes as This houſe Shall Think fitt and That The Managers for ye Council are now ready in The Conferrence Room.

Then The houſe Reſumed The adjourned Debate upon the Amendments propoſed by the Council to the bill Entituled *An Act Concerning the* Nanſiattico *and other Indians* & having gone Thorow the ſaid amendments part were agreed to and part Diſagreed to

Ordered That a Conferrence be Defired with ye Council upon That amendment to The Said Bill which is Diſagreed to by the houſe

Ordered That Mr *Tully Robinſon*, Mr *Sullyvan* & Mr *Henry Aſhton* Wait upon The Council and Defire The ſaid Conferrence

Mr *Cary*.....Mr *ffoſter*
Mr *Ranſom*.....Mr *Hoe* &
Mr *Nathl Harriſon*.....Mr *Charles Aſhton*

Were Appointed Managers for This houſe in The Conferrence with The Council upon That Amendment to the Bill Entituled *an Act for Setling & afcertaining the Current Rates of ffforreign Coyns in this Dominion* which is Diſagreed to by this houſe—And ordered that They forthwith give Their Attendance upon The Said Conferrence at the place Appointed by the Council—and being Returned

Mr *Cary* Reported The Subject Matter of the ſaid Conferrence

and Thereupon

Reſolved That The houſe Doth agree to The Amendments propoſed by The Council to ye Said bill and The ſaid ſaid amendments being Inſerted in The bill were Thrice read

Mr *Tully Robinſon* from the Perſons Appointed to Defire a Conferrence with The Council upon that amendment to The bill Entituled *an Act Concerning the* Nanſiattico *and other Indians* which was Diſagreed to by This houſe, Reported That They had been with the Council & Defired a Conferrence Accordingly.

A Meſſage from ye Council by Mr *Robertſon*

Mr Speaker *& Gent of the houſe of Burgeſſes*

I am Commanded by The honble Council to Acqvaint you That Their honours agree to The Conferrence Defired by this houſe on the amendments propoſed by theyr honrs to The Bill Entituled *an Act Concerning The* Nanſiattico *and other Indians* & have Appointed Three of Their Members to Meet Such a number of ye Burgeſſes as This houſe ſhall Think ffitt and That ye Managers for ye Council are now Ready in The Conferrence Room

and Thereupon

Mr *Cary*.....Mr *ffoſter*
Mr *Ranſom*.....Mr *Hoe* &
Mr *Natl Harriſon*.....Mr *Charles Aſhton*

Were Appointed Managers for ye houſe in ye ſaid Conferrence and Ordered forthwith to give Their Attendance upon it at ye place Appointed by The Council—and being Returned.

Mr

Mr *Cary* Reported The Subject Matter of The Said Conference

Ordered That Mr *Hill* Mr *Turbervil* and Mr *Drummond* Carry to The Council the bills with ye amendments This Day agreed to by the houſe for The Councils View That This houſe hath agreed to the amendments propoſed by them and Inſerted The Said amendments in The bills—and being Returned

Mr *Hill* Reported That according to order they had Delivered the Said Bills to the Council

And Then The houſe adjourned Till to Morrow Morning nine a Clock

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Thurſday May ye 10th 1705

MR. *Robertſon* brought into The houſe a Written Meſſage from his Excellency & then Acqvainted the houſe that ye Council are Willing to Recede from The Amendment to The Bill Concerning the *Nanſiattico* & other Indians Which Excepts the old Indian Man Named *Mattox Will* & The woman Named *Betty* from Tranſportation & Declares Them to be Sett at Liberty. Mr *Robertſon* alſo brought into ye houſe an Engroſſed Bill Entituled *An Act permitting ye Exporting and Diſpoſeing of Tobacco packed in old Cask*

An Engroſſed Bill Entituled *An Act for Setling and Aſcertaining The Current Rates of fforeign Coyns in This Dominion*

And Acqvainted The houſe That ye Council Did agree to The Said Bills with ye amendments Therein Inſerted

Mr *Marable* from The Comittee Appointed to Inſpect Mr *Treaſurers* Accounts reported ye proceedings of ye Said Comittee Which he Delivered in at ye Table

Then a Meſſage from his Excellency was read as ffolloweth

Mr Speaker *and Gent of The houſe of Burgeſſes*

Since I underſtand That ye Council and your houſe have agreed upon a bill for Tranſporting ye *Nanſiattico* and other Indians I propoſe to your Conſideration Whether thoſe Indians Shall be Continued in priſon at the Countrys Charge till they Can be Tranſported, Whether you Think fitt to Appoint a Time for people That Intend to Tranſport them to Come in and make their propoſals and if no perſon will undertake to Tranſport them or if they are Tranſported and not Receiv'd in The plantations ſo That ye perſon Tranſporting them be Obleiged to bring them Back in what Manner Shall they Then be Diſpoſed of

ffr Nicholſon

Ordered That it be Referred to Mr *Randolph* and Mr *William Robinſon* to Conſider The Said Meſſage and Report what is Neceſſary to be Done Therein

A Letter from *John Croſt* to Colo *Wilſon* being referred by his Excellency and the Council to ye Conſideration of ye houſe was Read.

The Amendments propoſed by The Council to The Engroſſed bill Entituled *An Act Concerning the* Nanſiattico *and other Indians* Except That Which The Council are Willing to Recede from were inſerted in The Said Bill and Thrice Read.

Then The Report of The Comittee Appointed to Inſpect and Examine Mr *Treaſurer*'s Accounts being Read The houſe Took The Same into Imediate Conſideration—and Thereupon

Ordered That The Said Comittee Inqvire of Colo *Robert Carter* Late Treaſurer how he has Diſpoſed of The Two hundred and one pounds nine Shillings and Nine pence which was in his hands for the Truſtees of ye City of *Williamſburgh* as alſo how he has Diſpoſed of ye Three hundred Thirty four Pounds nine Shillings and Nine Pence which was Due from him to ye General Aſſembly when he Laſt Accounted

Ordered That Mr *Treaſurer* Call Colo *Lee* to Account as Soon May be and That he Reqvire The Account from The Several Receivers of The Dutys on The firſt *Tueſday* in *July* next

It

It Appears by The Report of The Comittee That There Remains Due to The Country in Mr *Treaſurers* hands The Sume of Eight hundred Sixty Six pounds fifteen Shillings and Nine pence.

Ordered That Mr *Treaſurers* Accots Do Ly upon The Table

Mr *Nathaniell Harriſon* Reported That The perſons Appointed had According to Order of the houſe prepared an Addreſs to his Excelleney for Liberty to Survey and pattent The Lands in *pamunkey* neck and on The South Side of *Black water* Swamp which he read in his place and Then Delivered it in at ye Table where being again Read was agreed to as ffolloweth.

To his Excly. Franeis Nicholſon *Eſqr her Majeſtys Leivt and Govern Generll of* Virginia

May it pleaſe your Excellency

Wee her Majeſtys Moſt Dutifull and Loyal Subjects The Burgeſſes of This her Colony & Dominion of *Virginia* Doe Moſt humbly repreſent to yor Excellency That if a generall Liberty were Allowed to Take up & pattent her Majeſtys Lands Lying in *pamunkey* neck and on the South Side of *Black Water* Swamp and *Nottoway* River There would Arriſe a Conſiderable Interreſt Thereby to her Majeſty, as well by ye Sale of Rights for ye Said Lands as by ye Quit Rents. Thereof and alſo Such a Liberty would greatly Conduce to The Sattisfaction of Many of her Majeſtys good Subjects in This Dominion

Therefore Wee Moſt humbly Pray yor Excly That ye Same Liberty may be given to Survey and pattent her Majeſtys Lands in The places afore mentioned as is Allowed for ye Lands in ye other parts of The Country.

Ordered That ye Said Addreſs be fairly Tranſcribed and Signed by Mr *Speaker* & That Mr *Nathll Harriſon* Mr *Edwards*, Mr *Bolling*, Mr *William Harriſon* Mr *Smith*, Mr *Giles*, Mr *Jenkins*, Mr *Sullyvan*, Mr *John Weſt* & Mr *Thomas Weſt* Carry ye Said Addreſs to his Excellency.

A Member of The houſe Acqvainted This houſe That Mr *Attorney Generall* According to Leave given him had prepared a bill for preventing The Takeing away Concealing & Vnlawfull Detaining of goods Caſt away upon ye Coaſt of This Colony.

Ordered That The Said Member Receive The Said Bill & Report The Same to ye houſe

A Written Meſſage from his Excelleney by Mr *Robertſon* was read as ffolloweth

Mr Speaker *and Gent of The houſe of Burgeſſes*

Vpon peruſal of The Book of Claims I find you have Rejected The Claim of Capt *Nichs Smith* of *Richmond* County and the Troop under his Comand for allowance for Takeing The *Nanſiattico* Indians but it Appears by The Said Capt *Smith*'s Claim That he and others were out above four Days & ſo I ſuppoſe Their Claim for That Service Comes within ye Law for Strengthening The ffrontiers & Diſcovering the approaches of an Enemy which allows pay unto the Officers and Soldiers if ſo I Think it will be of Ill Conſeqvence to Diſallow it Since it will be a Diſcouragement to others to go out upon ye Like Occaſion

ffr. Nicholſon.

Ordered That Two of The Members of This houſe be appointed to Draw up a Written Meſſage to his Excellency in Anſwer to his Said Meſſage Shewing The Reaſons Why This houſe Doth not Allow The Claim Therein Mentioned and That it be Referred to Mr *Nathll Harriſon* and Mr *William Robinſon* to Draw the Same

A Written Meſſage from his Excly by Mr *Robertſon* was read as ffolloweth.

Mr Speaker *and Gent of The houſe of Burgeſſes*

Mr *Treaſurer* having made an Oath before me to his Accounts I ſuppoſe it is in order to be Laid before your houſe, and if you are Willing to have the Account of The Two Shillings ℔ hogſhead fort Dutys & head Mony & Likewiſe ye Quit rents Since I Came into ye Government Laid before your houſe for your Examination I ſhall give

The

The neceſſary orders in it, or if you are Willing to have y^m^ Examined by a Comittee of your houſe after you are prorogued I ſhall Appoint Three of her Majeſtys hon^ble^ Council to joyn with them to Do it

ffr: Nicholſon

Ordered That The Said Meſſage Ly upon The Table.

Mr *Benj^a^ Harriſon* from the perſons to whom it was Referred to prepare and bring in an Addreſs to her Majeſty According to The Reſolve of The houſe on The Twenty fourth of *Aprill* Laſt Reported That ye Said perſons had According to order of The houſe prepared the Said Addreſs Which he Read in his place and Then Delivered it in at The Table Where being again Read & a Small amendment made Therein was agreed to as ffolloweth

To The Queens Moſt Excellent Majeſty May it Pleaſe your Majeſty

Wee your Majeſtys, Moſt Loyall & Dutifull Subjects the Burgeſſes of your Collony & Dominion of *Virginia* in a Generall Aſſembly Conveen'd having a Deep Sence of ye great happineſs wee Enjoy in being the Subjects of a princeſs ſo Eminently Conſpicuous for Virtue & goodneſs Doe moſt humbly preſume to Repeat ye profeſſions wee have heretofore Made of an unfeigned Duty and affection of your Majeſtys perſon and Government.

Our Education hath been in The Church of *England* as by Law Eſtabliſhed in The protection whereof your Majeſty has upon all Occaſions Shewn your Selfe an Eminent Inſtrument & our hearts According to The principles of That Church (which is ye beſt Conſtit'ed in The world) have always been full of Loyalty to ye Monarchial Government of *England* and that as Much out of Inclination as Duty, we have Never been Guilty of Endeavouring to make any Encroachments upon your Majeſtys Rights & prerogatives or to Arrogate to our Selves any greater Libertys & Privilledges Then your Majeſty and your Royall predeceſſors have been gratiouſly pleaſed to Allow us

Yet Neverthelefs to our great greif wee are made Senſible that one Col^o^ *Robt Quary* of the province of *Penſivania* hath Taken upon himſelf to make a verry untrue repreſentation in prejudice of your Majeſtys good Subjects here to the Right hono^ble^ the Lords Com^rs^ for Trade and plantations Wherein after Many unjuſt Reflections upon our Selves and others your Majeſtys good Subjects he adds theſe words "I may Truly "Say that now or never is the only Time to Maintain The Queens juſt prerogative & "put a Stop to thoſe wrong pernicious notions Which are Improveing Dayly not only "in *Virginia* but in all her Majeſtys other Governments a frown now from her Majeſty "will do more Then perhaps an Army hereafter—Whereby as wee Conceive he falſly Inſinuates that nothing Leſs than your Majeſtys Diſpleaſure backed with an Armed ffore will be Sufficient to Reſtrain us from Diſobedience to your Majeſtys Government.

It is Poſſible that Many other Such Miſrepreſentations may be made to our prejudice, but our poverty (as it happens to your Majeſtys other poor Subjects) Make us to have but few freinds ſo that it is Difficult for us to Come to The Knowledge of them; and Therefore it is Impoſſible for us to Vindicate our Selves from all thoſe Aſperſions that may be Caſt upon us.

Wee are very Senſibly Afflicted That it is not in our power to make more Evident Demonſtrations of our Loyalty Then By our Words but Since wee have allways Shewed a firm adherence to ye Crown of *England* and a More Then Ordinary Zeal and affection for your Moſt Sacred Majeſtys perſon and Government Wee humbly hope that your Majeſty will be gratiouſly pleaſed to beleive the Truth and Sincerity of theſe our profeſſions.

Our Duty & Loyalty to your Majeſty is that Common Principle in Which all Ranks and partys do agree Whatever other Vnhappy Diferences there may be amongſt us wee are all at perfect unity in This and never any prince reigned More Abſolutely then your Majeſty Doth in the hearts of all your Subjects in this your Dominion.

Wee humbly preſume to Aſſure your Majeſty y^t^ at all Times & upon all Occaſions wee ſhall be ready to Teſtify our Moſt Dutifull Reſpects to your Majeſty and to Endeavour

deavour farr as in us Lys with our Lives and Eſtates to Support & Defend yor Governm^t againſt all your Enemys both ffoirreign & Domeſtick and wee Do Moſt humbly beſeech your Majeſty not to give Credit to any partial or unjuſt repreſentation to the Contrary hereof Made by any perſon Whatſoever

Wee humbly Recommend The protection of your Majeſtys Sacred perſon to the Almighty God—Who hath Vouchſafed your Majeſty ſo many Glorious Bleſſings as never any of your Royal predeceſſors have Enjoy'd

That your Majeſtys Reign May be Long and Proſperous here, and Glorious and Immortal hereafter are the Dayly prayers of

May it pleaſe Your Majeſty
Your Majeſtys
Moſt Loyall
Moſt Affectionate &
Moſt Obedient Subjects

Ordered That The Said Addreſs be fairly Tranſcribed and Signed by Mr *Speaker* & Every Member of the houſe

Vpon a Motion Made by a member of ye houſe

Ordered That an Addreſs be prepared to Congratulate her Majeſty upon her Glorious Victorys and That The Comittee of propoſitions & Greivances prepare y^e ſame

An Engroſſed bill Entituled *an Act to Enable ye Court of* King & Queen *County to purchaſe Land to Build a Town* was read The Third Time

Reſolved Nemine Contradicente

That ye Said Bill Do Paſs

An Engroſſed bill Entituled *an Act for Naturalization of* Claud Phillippe de Richbourg Francis Ribot Peter ffaure, John Joanny, James Champagne *and others* was read The Third Time.

Reſolved Nemine Contradicente

That The Said Bill do Paſs

Ordered That Mr *Bird*, Mr *Walker*, Mr *Johnſon*, Mr *Nottingham* Mr *Harris* and Mr *William Harriſon* Carry the Engroſſed bills which This day paſſed the houſe to ye Council and Deſire their Concurrence Thereto

Mr *Randolph* Reported That (according to order) he had Received from Mr Attorney Gene^ll The Bill for Preventing The Takeing away Concealing and Vnlawfully Detaining of goods Caſt away upon The Coaſt of This Colony. Which he Delivered in at ye Table

Ordered That The Said Bill Ly upon ye Table

Ordered That M^r *ffofter*, Mr *John Weſt*, Mr *Baughan*, Mr *Wilſon* & Mr *Jenkins* Carry to The Council The Engroſſed bill Entituled *An Act Concerning The* Nanſiattico *and other Indians* for Their View that This houſe have agreed to ye Amendments propoſed by Them (Except That Which their honours are Willing to Recede from) and Inſerted ye Said Aments in The Bill

Mr *Bird* Reported that According to order The perſons Appointed had Delivered the bills Which This Day paſſed the houſe to ye Council and Deſired their Concurrence Thereto

Mr *Nathaniell Harriſon* Reported that According to order the perſons Appointed had Delivered ye Addreſs to his Excellency.

Mr *Cary* from The Comittee Appointed to Inſpect what Directions have been given about ye Capitoll and Likewiſe to Conſider what is further neceſſary to be Done to it Reported That ye Said Comittee had Taken ye Same into Conſideration and Therein had agreed upon Several Matters Which he read in his place and Then Deliverred in at The Table where being again Read the houſe proceeded to the Imediate Conſideration Thereof and Thereupon Came to theſe Reſolutions ffollowing

Reſolved That The Roofs of The Capitol & priſon be Tarred again This Summer as often as ye Overſeer of the Building Shall Think fitt

That

That The wanſcote and other Wooden Work on the firſt & Second ffloor in that part of ye Building where ye General Court is be painted Like Marble and the wanſcote and other wooden work on The two firſt floors in the other part of The Building ſhall be painted Like Wanſcote, and ye Doors and other wooden work in The Roof ſhall be painted white & the Cupulo to be painted in Such manner as Shall be Directed by the Overſeer of ye Building That There be Six Large Sundialls painted upon The Cupulo

That Twelve hundred ffoot of fflag Stone to pave the walks that Leads to ye Capitol be Sent for to *England*

That ye Spring be Laid Round with ye peices of ye broken fflagg Stones to keep it from filling up.

That There be a Privy houſe built Conveinient to the Capitol upon The hill Side Eight ffoot wide & Sixteen foot Long with a Lock upon Every Door

That a pair of Stocks Pillory & Whipping poſt be built neer the Capitol

Ordered That The Said Reſolves be Sent to ye Council for their Concurrence

Ordered That That part of The Report of The Said Comittee Relateing to the Expiration of ye Laws do ly upon The Table

M^r^ *ffofter* Reported That According to order they had Delivered The Engroſſed Bill Entituled *An Act Concerning the* Nanſiattico *and other Indians* to ye Council

Mr *Randolph* Reported That ye perſons Appointed had According to Order of The houſe Conſidered his Excellencys Meſſage Concerning the *Nanſiattico* Indians & had prepared a Written Meſſage to his Excly as an Anſwer to his Said Meſſage Which he read in his place and Then Delivered it in at The Table where being again Read was agreed to as ffolloweth.

May it pleaſe Your Excellency

Vpon Conſideration of your Excellencys Meſſage Relateing to ye Indians who are by Law to be Tranſported Wee humbly are of Oppinion as ffollow

That The Indians Muſt of Neceſſity be kept in priſon at ye publick Charge Till they Can be Tranſported.

2^d^ That if no perſons offers before The End of This Seſſion To Take and Transport ye Said Indians Your Excly will pleaſe (as Soon as poſſible) to Appoint a Time for people that Intend to Tranſport Them to Come in and make their propoſals.

3^d^ That if no perſon will undertake to Tranſport Them to ye Iſlands upon Their own Accounts without any Condition or proviſo of bringing them back to this Country again. they May by your Exc^ly^ & Council be Sent for *England* and Diſpoſed of There to Serve Some Perſons The Time as is in the Law Expreſt & that whoſoever ſhall ſend or Take The Said Indians of give bond not to Return Them to This Country again

Ordered That The Said Meſſage be fairly Tranſcribed and Signed by Mr *Speaker.*

Mr *Nath^ll^ Harriſon* Reported That The perſons Appointed had According to Order of ye houſe Drawn up a Written Meſſage to his Excly in Anſwer to his Excellencys Meſſage Relateing to The Claim of Capt *Nich^s^ Smith* which he read in his place & then Delivered it in at ye Table where being again Read and Some amendments Made Therein was agreed to as ffolloweth

May it pleaſe your Excellency

Vpon Conſideration of your Excellencys Written Meſſage relateing to The Claim of Capt *Nich^s^ Smith* of *Richmond* County and The troop under his Command for Allowance for taking the *Nanſiattico* Indians

Wee humbly Conceive That the Law for Strengthening The ffrontier and Diſcovering the Approaches of an Enemy gives Allowance to Such perſons only as are not above four Days from Their own houſes at one Time and wee being fully Informed y^t^ The Said *Smith* with the Troop under his Comand was never on The Said Service above forty Eight hours at one Time without Returning to their homes Therefore Wee humbly hope your Excellency will not further Inſiſt on ye Said Allowance.

Ordered That The Said Meſſage be fairly Tranſcribed & Signed by Mr *Speaker.*

M^r^

Mr *Robertſon* brought into the houſe an Engroſſed bill Entituled *An Act Concerning the* Nanſiattico *& other Indians* & acqvainted The houſe That The Council Did Agree to ye Same with the amendments Therein Inſerted

Ordered That The Bills which are Aſſented to by the Council be Inrolled in parchment

Ordered That Mr *Wilſon*, Mr *Giles*, Mr *Bird*, Mr *Baughan*, Mr *J Cayne*, Mr *Nottingham*, Mr *Smith*, and Mr *Turbervill*, Carry The two Written Meſſages to his Excellency This Day agreed to by the houſe as alſo the Reſolutions of the Houſe Concerning ye Capitol to The Council & Deſire Their Concurrence Thereto.

And Then The houſe adjourned Till to Morrow Morning nine a Clock

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Fryday May ye 11th 1705

MR. *Wilſon* Reported That According to order the perſons Appointed had Delivered the two Written Meſſages to his Excellency as alſo the Reſolves of the houſe Concerning the Capitol to the Council & Deſired Their Concurrence Thereto

A Written Meſſage from his Excellency by Mr *Robertſon* who Brought Therewith The Several petitions Therein Mentioned together with Two Engroſſed bills from The Council. *Viz*t

An Engroſſed bill Entituled *An Act for Naturalization of* Claud Phillippe De Richbourg, Francis Ribot Peter ffaure, John Joanny, James Champagne *& others* & with it a propoſal of Amendments to be made Therein To Which Amendments if the houſe Should Agree The Council Would agree to The Bill

An Engroſſed Bill Entituled *An Act to Enable ye Court of* King *&* Queen *County to Purchaſe Land to build a Town* agreed to by the Council without any Amendment and alſo The Reſolves of The houſe Concerning ye Capitol. Aſſented to by the Council.

His Excellencys firſt Meſſage was read as ffolloweth

Mr Speaker *and Gent of the houſe of Burgeſſes*

I have peruſed your Meſſage Sent Me Laſt Night and as to ye Claim of Capt *Smith* & his Troop, I am Sattisfyed with your Reaſons for Diſallowing the Said Claim, I herewith Send you a petition preſented me by *Thomas Whitby* Carpenter praying that his Sallary may be paid for The Time he was Diſcharged Laſt Winter by order of my Self and her Majeſtys honble Council when that order was made wee were not Appriſed That he was under any other Engagement Then The reſt of ye workmen but I find That he is Still engaged by an agreement made with The Comittee Till The whole work is finiſhed So That he Could not undertake any other Work & Therefore I Think it is Reaſonable That he ſhould be Allowed his Sallary for his being Diſcharged proceeded only on a Miſtake Which had it been known he would have been Employed in Some Work That might have Countervailed what he now Demands.

I herewith Send you The Petition of Mr *John Martin* and Mr *Peter holt* Each praying for the priviledge of Tranſporting The Indians Which I Leave to your Conſideration

ffr. Nicholſon

Then The petition of *Thomas Whitby* Mentioned in The Said Meſſage being Read.

Reſolved That *Thomas Whitby* be paid According to his Petition

A Petition of *John Martin* & a petition of *Peter Holt*, Each praying for The privillige of Tranſporting The Indians now in Goal were Severaly read and after a Debate and ye Queſtion Put.

Reſolved That it is The opinion of This houſe That *John Martin* have The Indians now in priſon to Tranſport upon The Terms Laid Down in his Petition if he will Obleige himſelf to Return a Certificate under ye hand of ye Governour of The place to Which he Tranſports Them that he hath Sold Them According to The Time Limited in ye Act of Aſſembly

Reſolved

Refolved That ye Goal keeper ſhall Charge no more for keeping the Indians in his Cuſtody till they are Carried of Then after The Rate heretofore Allowed.

The Amendments propoſed by The Council to the Engroſſed bill Entituled *an Act for the Naturalization of* Claud Phillippe de Richbourg, Francis Ribot Peter ffaure, John Joanny, James Champagne, *& others* were read and agreed to by the houſe and Inſerted in the bill

Ordered That Mr *Hoe*, M^r^ *ffoffaker*, M^r^ *Moſely* Mr *Hayne* Mr *Walker* & Mr *Curle* Carry to the Council the Said bill for Their Veiw, that This houſe have agreed to The amendments propoſed by Them and Inſerted the Said Amendments in The bill as alſo ye Reſolves of The houſe Concerning *Thomas Whitbys* Petition and The *Nanſiattico* Indians and That they Deſire the Councils Concurrence to y^e^ ſ^d^ Reſolves

Mr *Randolph* from the Comittee to whom it was Referred to prepare a Congratulatory Addreſs to her Majeſty Reported That ye Said Comittee had According to Order of The houſe prepared The Said Addreſs Which he Read in his place and Then Delivered it in at The Table where being again Read was agreed to by the houſe.

Ordered That ye Comittee of Propoſitions & Greivances & The Comittee for Publick Claims Carry The Said Addreſs to his Excellency and Council & Deſire That They will be pleaſed to Joyn with the houſe in the Same—and being Returned Mr *Randolph* Reported That According to order they had Delivered The Said Addreſs to his Excly and The Council and Deſired Them to joyn with ye houſe in The Same.

Mr *Marable* Reported That According to order of the houſe the Comittee Appointed had Enquired of Col^o^ *Robt Carter* Late Treaſurer how he had Diſpoſed of The Mony in his hands for The Truſtees of The City of *Williamſburgh* as alſo how he had Diſpoſed of The Mony which was Due from him to the general Aſſembly when he Laſt Accounted and that they find the Said Col^o^ *Carter* has fully paid his Laſt Ballance of Three hundred Thirty four Pounds Ten Shillings and Three pence and Likewiſe That The Two hundred & one pounds nine Shillings and Nine pence for the Truſtees of The City of *Williamſburgh* Still Remains in his hands Which he Says he is Ready to pay when Demanded

Mr *Hoe* Reported That According to Order The Perſons Appointed had Delivered to the Council the Engroſſed bill Entituled *An Act for Naturalization of* Claud Phillippe de Richbourg. Francis Ribot, Peter Faure, John Joanny, James Champagne *and others* as alſo The Reſolves of The Houſe Concerning The petition of *Thomas Whitby* and the *Nanſiattico* Indians & that They had Deſired The Councils Concurrence to y^e^ ſaid Reſolves

Mr *Robertſon* brought into the houſe from the Council The Said bill and Acqvainted The houſe that the Council Did agree to the Same with the Amendments Therein Inſerted—as alſo

The Book of Reports of The Comittee for Publick Claimes and the Reſolves of the houſe Concerning *Thomas Whitbys* Petition and the *Nanſiattico* Indians Aſſented to by The Council

Mr *Treaſurers* Accounts of the Impoſitions on Liqvors Servants and Slaves were Severaly read and Duplicates of his General Account Dated The Tenth of *May* 1705 (by which The Ballance to be Accounted for to ye Gen^ll^ Aſſembly is Eight Hundred Sixty Six pounds fifteen Shillings and Nine pence) being Sworn to before his Excly in Council were agreed to & paſſed ye houſe.

Col^o^ *Carter* Late Treaſurer his General Acco^t^ being Read was agreed to & paſſed the houſe.

Ordered That the Comittee Appointed to Inſpect the ſaid Accounts Carry them to ye Council for their Concurrence

Ordered That a Meſſage be Sent to Acqvaint his Excellency That the houſe hath agreed upon an Addreſs to her Majeſty & Deſire to know his Excellencys Pleaſure when the houſe Shall Attend upon him with it to pray his Exclys Aſſiſtance to get it her Majeſtys hands.

Ordered That The Comittee That prepared The Said Addreſs Carry ye Said Meſſage to his Excly—and being Returned

M^r^

Mr *Harriſon* Reported that According to order they had Delivered The Said Meſſage to his Excly.

Mr *Robertſon* brought into ye houſe from his Excly & Council the Congratulatory Addreſs to her Majeſty & with it a propoſal of amendments to be made Therein to Which amendments if ye houſe Should Agree his Excly & Council would joyn with them in ye Addreſs & ye Said amendmts being Read were agreed to by the houſe & Inſerted in ye Addreſs which is as ffolloweth

To The Queens Moſt Excellt Majeſty

May it Pleaſe your Majeſty

Wee your Majeſtys Moſt Loyal and Dutifull Subjects your Majeſtys Governour Council and Burgeſſes in a Genll Aſſembly of your Majeſtys Colony & Dominion of *Virginia* Conveen'd, doe Moſt humbly Preſume to Lay hold of this firſt Opertunity that wee have had of Congratulating your Majeſty upon ye happy Occaſion of the great & wonderfull Suceſſes of your Majeſtys Armes in Conjunction with Thoſe of your Allies againſt the Comon Enemy not only of your Majeſty & your Allies but of ye Libertys of Mankind, and in Perticular wee Can never Sufficiently admire The glorious victory of *Hocſtot* obtained by ye forces of your Majeſty and your Allies under ye Conduct of his grace the Vallient Duke of *Marbourough* which at once Reſtored Safety to the Imperiall houſe of *Auſtria* Chaſtized the Treachery of *Bavaria* & humbled the Pride and Inſolence of *ffrance* notwithſtanding all his Vain Boaſts of Being Invincible.

Wee pray Leave Likewiſe to Congratulate your Majeſty upon The Taking of *Gibralter* by your Majeſtys fforces & ye Victory Obtained by your Majtys ffleet under ye Comand of Sr *George Rook* over the *ffrench* in The *Mediteranean*.

All theſe great & Signall favours of god to The *Engliſh* nation Seem to be Reſerv'd on Purpoſe to Crown The Luſtre & happineſs of a Princeſs So Eminent for Piety & Virtue as your Majeſty hath always been.

That Your Majeſtys Reign over us may be Long and That every year of it (if Poſſible) may be Crowned with More & More glorious Succeſſes Then The Laſt Till at Length by your Majeſtys Arms peace & Tranqvility be Reſtored to Chriſtendom are ye fervent Prayers of

May it Pleaſe your Majeſty

Your Majeſtys Moſt Loyall and Dutifull Subjects

Ordered That The Said Addreſs be fairly Tranſcribed and Sent to his Excly & Council to be by Them Signed

Mr *Marable* Reported That According to order The perſons Appointed had Delivered Mr *Treaſurers* Accounts to ye Council together with ye Late Treaſurers Accounts. and Deſired their Concurrence Thereto

Ordered That The Comittee of Claims proportion The Publick Levy.

Then a member of The Said Comittee acqvainted the houſe That Several Clerks had failed to Return Certificates of ye Number of Tythables in their Reſpective Countys, & Deſired ye Directions of ye houſe how They Should proceed Therein—and Thereupon.

Ordered That ye ſaid Comittee Report to ye houſe what Clerks have failed to Return Certificates as aforeſaid

Ordered That ye Comittee of Claims Carry to his Excellency the Book of Reports of ye Said Comittee together with the Reſolves of ye houſe Concerning the Capitol and the petition of *Thomas Whitby* &c and Deſire his Excellencys Aſſent Thereto—and being Returned Mr *Cary* Reported that According to order they had Delivered to his Excellency the Said Book of Reports and Reſolves & Deſired his Aſſent Thereto

The Petitions of Several Maſters of Ships praying Liberty to Sail with ye *Strumbulo* being Referred from ye honble Council were Read

Vpon a Motion Made by a member of ye houſe

Ordered That The Claim of *William Tart* for Taking up *Francis hums* Servant to Major *Allen* be Referred to ye next Aſſembly

A Written Meſſage from his Excly by Mr *Robertſon* who Brought Therewith The Book of Claims Aſſented to by his Excly with an Exception & Several Reſolves Aſſented to by his Excellency without Exception

The Said Meſſage being Read as ffolloweth

Mr Speaker *and Gent of the Houſe of Burgeſſes*

I Propoſe to you to give Directions That the Partition in ye Room Appointed for ye Comittee of Claims be Taken Down and yt Room be Enlarged for as it is now I think it is The only Irregular piece of work about The Capitol

Mr *Minge* Propoſes to Make two Sundials of the Dial plates ſent in for ye Clock to be placed on each ffront and I Recommend to you to give Directions Therein

ffr. Nicholſon

Ordered That The Said Meſſage Ly upon The Table

And Then The houſe adjourned Till to Morrow Morning nine a Clock

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Satturday May ye 12th 1705

ORDERED That The Comittee of Propoſitions & Greivances and ye Comittee of Publick Claims Carry to his Excellency and The Council the Congratulatory addreſs to her Majeſty & Deſire That they will be pleas'd to Sign ye Same— And being Returned Mr *Randolph* Reported That according to order they had Carryed ye Said Addreſs to his Excly and the Council and Deſired Them to Sign it

Mr *Cary* from the Comittee for proportioning The publick Levy Reported That They had Done ye Same and That it amounted to Seven pounds and a Quarter of Tobacco ℔ pole and that ye Said Comittee had prepared a bill for raiſing ye Said Levy which with ye proportions he Delivered in at ye Table Where ye Said bill being Read ye firſt Time

Ordered That it be Read a Second Time

Then Mr *Cary* Reported yt ye Said Comittee had According to order Taken an Account of ye names of ye Several Clerks yt had failed to Return Certificates of ye number of Tythables in Their Reſpective Countys Which he Delivered in at ye Table Where They being Read

Ordered That for Such failure Mr *Attorny Generll* Proſecute *James Cock, Richard Bland, Charles Chapman, Thomas Milner, Chriſtopher Cock Charles Jennings Nathaniel pope, James Weſtcomb Joſeph Tayloe, Thomas Hobſon* Robt *Snead* and *Hancock Cuſtis* Gent.

The proportions of The Publick Levy were read the Second Time

Ordered That ye Said bill be Engroſſed and read a Third Time

A Motion being Made & after a Debate

The Queſtion Put

Than [That] an Ordinance for Defence of ye Country be prepared

Reſolved in The Affirmative—and Thereupon

Ordered That it be Referred to Mr *Randolph* and Mr *Cary* to prepare & bring in ye Said Ordinance

Mr *Robertſon* brought into the houſe the Congratulatory Addreſs to her Majeſty Signed by his Excly & ye Council as alſo ye Draught of ye Bond Preſented to his Excly and ye Council by Mr *Jno Martin* for Tranſporting ye *Nanſiattico* Indians & Acqvainted ye houſe that his Excellency & ye Council Approved Thereof & That if this houſe were Sattisfy'd with ye Draught of ye Said Bond that Then his Excellency Commanded the houſe to Attend him with ye Bill Concerning the *Nanſiattico* & other Indians to Receive his Exclys Aſſent that ſo the Said Indians Might be Delivered to Mr *Martin* Mr *Robertſon* alſo Acqvainted The houſe yt his Excly was Ready to Receive ye Addreſs Mentioned in Their Meſſage to him Laſt night by Mr *Benjn Harriſon*

Whereupon The houſe went to Attend his Excly in The Council Chamber with ye ſaid Addreſs and being Returned Mr *Speaker* Acqvainted the houſe yt upon Delivery of ye Addreſs to his Excly he was pleaſed to ſay he would take Care of it.

Then

Then The Draught of Mr *John Martins* bond Was read and Approv'd of with ye propofall of amendments to be made Therein

An Engroffed bill Entituled *An Act for raifing the publick Levy* was read The Third Time

Refolved That ye Said bill Do Pafs

Ordered That ye Comittee for Publick Claims Carry the Said Bill to ye Council and Defire their Concurrence Thereto and That they Likewife Carry to his Excly & Council The Draught of Mr *John Martins* Bond With a propofal of amendments to be made Therein and Acqvaint Them That the houfe Doth Approve of ye Said Bond with ye Amendments and that they alfo Carry to his Excellency & Council The book of Proportions and Defire Their Affent Thereto as Likewife the Refolve of ye houfe for Laying out ye bounds between this Government and *North Carolina* as an anfwer to Their Meffage Concerning the Same

Mr *Robertfon* Brought into ye houfe a Written Meffage from his Excy together with ye Late and prefent Mr *Treafurers* Accots agreed to by his Excly & ye Council and Then Acqvainted ye houfe yt his Excly Commanded Their Imeidiate Attendance on him in the Council Chamber with ye Inrolled bill Concerning ye *Nanfiattico* and other Indians

Ordered That Mr *Benjn Harrifon* and Mr *William Robinfon* Examine the Inroled Bill Concerning ye *Nanfiattico* and other Indians with ye Engroffed bill

A Letter of Thanks from Mr *Sollomon Wheatly* to This houfe was read

Mr *Harrifon* Reported that According to Order the Perfons Appointed had Examined the Inroled bill Concerning the *Nanfiattico* and other Indians and that it Did agree with the Engroffed bill

Ordered That Mr *Benjn Harrifon* and Mr *William Robinfon* Carry ye Said Inroled & Engroffed bill to the Council for their Examination & Perufal—and being Returned Mr *Harrifon* Reported the [he] had According to order Delivered the faid bills to ye Council

Mr *Cary* Reported that According to order the perfons Appointed had prepared an Ordinance for Defence of ye Country in Times of Danger Which he Delivered in at The Table Where being read was agreed to by the houfe

Ordered That The perfons that prepared ye Said Ordinance Carry it to ye Council & Defire their Concurrence Thereto.

Mr *Robertfon* Brought into ye houfe ye Ordinance for Defence of ye Country affented to by ye Council as alfo The Inroled and Engroffed Bill Concerning The *Nanfiattico* and other Indians, and Acqvainted the houfe yt ye Council had Examined & perufed them

Then The houfe went According to his Excellencys Commands to Attend him in ye Council Chambr and Carryed with them the Inroled Bill Concerning ye *Nanfiattico* & other Indians—and being Returned Mr *Speaker* Acqvainted the houfe That his Excly was pleafed to give his Affent to ye Said Bill

Mr *Robertfon* brought into ye houfe an Engroffed bill Entituled *an Act for Raifing a Publick Levy* agreed to by ye Council without any amendment as alfo ye proportions of ye Publick Levy Affented to by his Excly & Council

Then The Meffage from his Excly was read as ffolloweth—

Mr Speaker *& Gent of ye houfe of Burgeffes*

I have Read your Addrefs to her Majefty juft now brought me and According to yor Defire I fhall Take Care to have it prefented to her Moft Sacred Majefty but I hope you never Intended that this Addrefs Should be made ufe of againft me and I Defire That you will be pleafed to Declare fo

ffr Nicholfon

And after a Debate

The Queftion being Put

Whether The Refolve propofed in Thefe words "That ye houfe Defign'd it againft "Colo *Robert Quary* & Such others as have Made Such falfe Repref entations and againft "no other perfon Whatfoever—Should be put to ye Queftion

It Paft in ye Negative Seventeen yeas & Twenty Seven Nays

Then

Then The Queſtion being Put
Whether ye other Reſolve propoſed Should be agreed to

Reſolved in The Affirmative Twenty nine Yeas & fifteen Nays

and Thereupon

Reſolved That This houſe Did not Intend That Their Addreſs to her Majeſty againſt Col^o^ *Robert Quary* Should be Made uſe of againſt his Excellency.

Ordered That Mr *Barbar*, Mr *Robinſon*, Mr *Charles Aſhton*, Mr *Wilſon* Mr *Drummond* and Mr *Hubbert* Carry ye Said Reſolve to his Excellency

Ordered That Mr *Benjamin Harriſon* & Mr *William Robinſon* Examined ye Several Bills Which are Inrolled and not before Examined—and being Returned Mr *Harriſon* Reported they had Examined The Inroled Bills and y^t^ they Did Agree with The Engroſſed bills

Ordered That Mr *Benj^a^ Harriſon* & Mr *William Robinſon* Carry The Said bills to ye Council for Their Examination & peruſal

Mr *Barber* Reported that According to order ye perſons Appointed had Delivered to his Excly a Copy of ye Reſolve of ye houſe upon his Excellencys Laſt Meſſage.

Ordered That Leave be given to *Robert Bayly* & others & *Charles Hadon* & others to withdraw their petitions

A Written Meſſage from his Excellency by Mr *Robertſon* Who brought Therewith Several Papers Relateing Thereto and Acqvainted the houſe his Excellency having Deſired Their Opinion What Shall be Accounted a Sufficient Convoy for the Ships in This Country & Some Petitions having been Since preſented to his Excellency & ye Council by Some Maſters of Ships & by them Recommended to ye houſe his Excellency & Council Do Deſire the houſe to Signify Their Opinion Therein That they May give Directions Accordingly—and he Likewiſe Acqvainted the houſe That a petition of Leiv^t^ Coll^o^ *James Taylor* for Leave to go out on a Diſcovery at ye head of *Mattapany* being Referred to the houſe by his Excly & the Council they Deſire, The houſe to Signify their proceedings Thereon

Mr *Robertſon* alſo Brought into ye houſe the Inrolled & Engroſſed bills And Acqvainted the houſe That ye Council had Examined and peruſed Them

His Excellencys Said Meſſage was read Read as ffolloweth

*M^r^* Speaker *and Gent of The Houſe of Burgeſſes*

I have Reĉd your Addreſs Concerning the Lands In *Pamunkey* Neck and *Black water* Swamp & I am heartily Sorry That I Cannot at preſent Comply with your Deſire I herewith Send the Deĉed Major *Thomas Swans* Entry on The South Side of *Blackwater* with Several petitions Concerning it as Likewiſe Mr *Thomas Milners* and Mr *Robert Bolling* Junr Their Return of Surveys as Likewiſe the Late hon^ble^ Mr Auditor *Birds* Report to me Concerning That Affair Copys of all which I Tranſmitted to ye Right Honble ye Lords Com^rs^ for Trade & Plantations & I herewith Send you their Letter to Me of the 16th of *ffeb* 1703 Concerning y^t^ Affair and if y^e^ *London* ffleet had arrived (as wee were in hopes They would the Laſt Winter) I Suppoſe That I Should have Reĉd her Majeſtys Royall Commands Concerning The Said Lands and When pleaſe god I Receive Them They Shall be Obeyed by me

I alſo herewith Send you Copys of Some of her Majeſtys Royall Inſtructions to me Concerning Land So I hope This will Sattisfy you at Preſent that your Deſires Cannot be Complyed with by

ffr. Nicholſon

A Petition of *John Redwood* praying Allowance of his Sallary as Goal keeper being referred by the Council to ye Conſideration of The houſe was read

Ordered That *John Redwood* be paid his Salary of Thirty Pounds for being Goal keeper of ye publick priſon

The Petition of Several Maſters of Ships praying Liberty to Sail under The Convoy of y^e^ *Strumbulo* being Referred by his Excellency & Council to the Conſideration of The houſe was read

Ordered

Ordered That The Comittee for Publick Claims Carry to his Excellency and Council a Copy of ye proceedings of The houſe upon The petition of Leiv^t^ Col^o^ *James Taylor* a Copy of The order of ye houſe made upon the petition of Severall Maſters of Ships and a Copy of ye Reſolve of ye houſe Concerning What Shall be Accounted Sufficient Convoy & y^t^ They Likewiſe Carry to his Exc̃ly & Council a Copy of ye order made upon the petition of *John Redwood* and Deſire Their Concurrence to ye Said Order—and being Returned Mr *Cary* Reported they had According to order Delivered ye Said Copys

Mr *Robertſon* brought into The houſe ye order Made upon ye petition of *John Redwood* Affented to by his Excellency & Council— as alſo Several Reſolves of Council for Laying out ye Bounds between This Colony & *North Carolina* Concur'd to by his Excellency to Which Reſolves the Council Likewiſe Deſired The Concurrence of this houſe and ye Said Reſolves being read

Reſolved That it is ye opinion of This houſe that the Meaſures propoſed by ye Council in Their Reſolves of This Day for Laying out ye Bounds between this Colony & *North Carolina* Will prove very Chargeable & be of no Service to the Country and Therefore ye houſe Cannot agree to ye Same

Ordered That Mr *Bolling* Mr *Edwards*, Mr *Sullyvan* Mr *Gyles*, Mr *Jenkins*, & Mr *Smith* Carry a Copy of ye Said Reſolve to ye Council—and being Returned Mr *Bolling* Reported that according to Order They had Delivered ye Same

A Meſſage from his Excellency by Mr *Robertſon*

Mr *Speaker*

His Excellency Commands The Imediate Attendance of this houſe upon him in The Council Chamber and that you bring with you Such Inrolled Bills as the houſe have agreed upon—And Accordingly the houſe went to Attend his Excellency in The Council Chamber & Carryed with them The Inrolled Bills.

121-128

JOURNALL

OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at her Majesty Queen *Annes* Royal Capitol The Twenty Third Day of *October* in the fourth Year of the Reign of our Sovereign Lady *Anne* Queen of *England* &c:—Annoq$_3$ Domini 1705

RICHMOND, VIRGINIA.

MCMXII.

JOURNALL

of the

HOUSE OF BURGESSES

Tuesday October the 23d: 1705

DIVERS Burgesses to The number of Forty one having Taken the Oaths Appointed by Act of Parliament To be Taken Instead of The Oaths of Allegiance & Supremacy The Oath Mentioned in an act Entituled *an Act declaring the Alterations in The Oath Appointed to be Taken by the Act Entituled an Act for The further Security of his Majestys person and The Succession of The Crown in the protestant line and for Extingvishing The hopes of the pretended Prince of* Wales *and all other pretenders and Their open and Secret Abettors & for Declaring The Association To be Determined* together with The Test and Oath of a Burgess Which was Administred to Them by *Phillip Ludwell* & *William Bassett* Esqrs two of her Majestys honble Council Commissionated by his Excelency The Governor for That Purpose Mett in The house

A Message from his Excly by Mr *Robertson.*

Gentlemen

His Excly Comands Your Imediate Attendance upon him in The Council Chamber. Accordingly The Burgesses Went to his Excly and his Excly was pleased to Say to this Effect.

Gentlemen

I am glad to See So great an Appearance: I Desire you wou'd Return to your house & make Choice of a Speaker at your own Convenience.

And Thereupon The Burgesses being Returned, A Motion was Made and after a Debate The Question Put

That The house do now proceed to ye Choice of a Speaker.

Resolved in the Affirmative

Then the house proceeded to The Choice of a Speaker and after the Nomination of two Persons & Some Time Spent Therein did Choose Mr *Benjamin Harrison* for Their Speaker Who was by two Members Conducted and placed in the Chair

And Then The House adjourned Till to Morrow Morning Nine a Clock

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Wednesday October ye 24th 1705

RESOLVED That Mr *Robert Beverley*, Mr *Mason* of *Stafford* Mr *Nathaniel Harrison* Mr *William Armistead* Mr *Marable*, Mr *William Robinson*, Mr *Ball*, Mr *Bland*, Mr *Bolling*, Mr *Fitzhugh* & Mr *Gaddes* forthwith Attend his Excly & Acqvaint him that The House had made Choice of a Speaker & to know his Exclys pleasure When The house Shall wait upon his Excly to present him and being Returned Mr *Beverley* Acqvainted The house They had Delivered The Said Message & That his Excly was pleased to Say he was glad The house proceeded so qvickly to their Choice and That they Should hear from him presently

A Meſſage from his Excly by Mr *Robertſon*

Gentlemen

His Excly Coñands Your Imediate Attendance on him in the Council Chamber And Accordingly the houſe Went to Attend his Excly and being Returned Mr *Speaker* Acqvainted The houſe to this Effect, That he had repreſented to his Excly That The houſe had been pleaſed to Make Choice of him to be Their Speaker Which was by his Excly Approved of, and That Thereupon in the Name of the Burgeſſes he humbly Moved That all the Antient Rights and privilledges of the Burgeſſes Might be Continued to This Aſſembly, That They & their Servants in Their perſons and Eſtates Might be free from Arreſts and other Diſturbances That in all Their Debates They Might have ffredom & Liberty of Speech and as Occaſion Reqvires Acceſs to his Exclys perſon and That Thereupon his Excly was pleaſed to Say They were Readily Granted and Should be Continued.

After which Mr *Speaker* further acqvainted ye houſe That his Excly was pleaſed to Make a Speech, and That the Same being Long he had obtained a Copy Thereof Which he Read and Then Delivered in at The Table Where the Same was again Read as follows

Gentlemen

Her Majeſty having been gratiouſly pleaſed to Think Me Worthy of Serving her in So Eminent a Station as the Government of this Antient Colony and Dominion, I Aſſuredly promiſe My Self—You Gentlemen Who are here Aſſembled are So well Inclined to The Service of her Majeſty and the Welfare of This Country That you will not be Wanting on Your Parts to Concur with me by Doing all That is proper in Paying the Moſt humble Obedience to the Coñands of So good,ſo great and So gratious a Queen.

I have not Many Things to offer to you now Beleiving her Majeſty Well Sattisfyed with Your Loyal Conduct and Behaviour here, What I have are all Concerted with The greateſt Care & Tenderneſs and adapted to The Eaſe and Wellbeing of her Majeſtys Subjects of this Dominion among which I am to Recommend to You Gentlemen the Paſſing Thoſe Suitable Laws which were Reviſed and Compiled here by The Direction of the General Aſſembly and Queſtion not Every Gentleman here is ſo Senſible of his own Intereſt and of theirs whom he Repreſents That no Endeavours will be Wanting for the Speedy Accompliſhing ſo uſefull and Important a Work

In the Next place I am Comanded by her Majeſty to propoſe to Your Moſt Serious Conſideration The Making a Law for Erecting Towns Warehouſes Warfs and Keys in Conveinient places the advantages naturally proceeding from Such things are Innumerable and So Much Wanted That I Think There is no Occaſion of any Argument to Convince a Reaſonable Man of the abſolute Neceſſity There is for Them.

I am not Inſenſible of the Objections formerly Made to this Affair and am well Sattisfyed by Your prudent Council they may be all Taken away

I am alſo by the Royal Coñand to Recoñend Earneſtly to you Gentlemen of the houſe of Burgeſſes the Building a houſe fit for The Reception of Your Governor.

Certainly it is a great Diſhonour That a Colony So Conſiderable Which Exceeds all others in Antiqvity Should Want That Accomodation for The Perſon her Majeſty is pleaſed to honour with So great a Character Which almoſt the Meaneſt under her Dominion is provided with.

I Beleive Some Gentlemen here Preſent are Senſible what Inconveinencys I have and Still Do Labour Under Upon That Account Whatever Lys in My Power for promoting So Deſired a Deſign Shall be Readily Done and Every thing That May be of Service to her Majeſty & this Colony

Gentlemen

I Would have you all Senſibly Toucht with the Bleſſings you Enjoy under the Government of So pious and gratious a Queen Whoſe Tender Care for her Subjects is not Confined to the Narrow Compaſs of *England* but is Eqvally Extended to all her Dominions and to None More Then this Colony a Demonſtrative Inſtance Whereof

is

is the Law her Majeſty Cauſed to be Enacted in *England* for Encourageing Importation of Naval Stores from The Plantations by Which not only Due Encouragement is Given for Bringing Them in but a further Comerce is produced for Enabling her Majeſtys Subjects in Theſe Parts to Make Returns for The Manufactures They Want. I hope Gentlemen you will Do all Things Proper on your Parts for The Advancement of So Uſefull and profitable an Undertaking.

Her Majeſty has Likewiſe been pleaſed to Declare in Council her Reſolution to Open a trade with *Spain* for the advantage of her Subjects in *America* I would have you Conſider how to Render That Comerce Moſt Advantageous to this Colony.

And now Gentlemen That There May be The better hopes of the Bleſſings of the Almighty upon your Councils in This Aſſembly I muſt with great Earneſtneſs recoñend to your Care the Suppreſſion of Prophaneneſs vice and Immorality, and the Encouragement of the oppoſite Virtues

I hope all feuds and Animoſitys heats & Diviſions from This Time be Layd Aſſide, and That I may Expect The happy Effect of a Unanimous Aſſembly Let There be no Contention among you but who ſhall be Moſt Obedient to her Majeſty and Moſt Serviceable to This Country.

His Exclys Commiſſion to *William Randolph* Junr to be Clerk of the houſe of Burgeſſes and The Certificate of *Phillip Ludwell* and *William Baſſett* Eſq^{rs} two of her Majeſtys honou^{ble} Council Certifying That They had Adminiſtred ye Oaths appointed by act of Parliament to be taken inſtead of the oaths of Allegiance and Supremacy The oath Mentioned in an Act Entituled *an Act to Declare The Alterations in The Oath Appointed to be Taken by the Act Entituled an Act for the further Security of his Majeſtys Perſon and The Succeſſion of The Crown in The Proteſtant Line and for Extingviſhing The hopes of The pretended prince of* Wales *and all other pretenders and Their open and Secret Abettors and for Declaring The Aſſociation to be Determined* Together with the Teſt & Oath of Clerk to The houſe of Burgeſſes were Severaly Read

A Comiſſion to Mr *William Ballard* to be her Majeſtys Meſſinger in This Colony was Read.

Upon The Petition of *John Remington, Richard Morris Anthony Evans & Richard Strickland* praying to be Continued Doorkeepers to The houſe

Ordered That *John Remington, Richard Morris, & Anthony Evans* be accordingly Continued and That They give Their Reſpective Attendance on The houſe This Seſſion.

The Petitions of *Robert Ambroſe, James Purvis* and *Robert Armiley* praying to be admitted Doorkeepers to The houſe were Severaly Read.

Ordered That The Said *Robert Armiley* be admitted as a Doorkeeper to the houſe and That he give his Attendance Accordingly, and it is further ordered That The Said *Armiley* at The End of this Seſſion Return to The parriſh from Whence he Came

The Orders of the houſe for Laſt Seſſion being read at the Table

Reſolved That The houſe do Approve of the Same and That they Shall Continue Orders for This Seſſion

Ordered That The Said Orders ly Conſtantly upon The Table for Every Members peruſal.

Ordered That The houſe be Called over as often as ſhall be Thought Conveinient and That Thoſe Member[s] Who Shall be Wanting in their Duty of Attendance be Lyable to The Cenſure of the houſe.

Reſolved and Accordingly *Ordered*

That it be a Standing Rule of This houſe That fifteen Members with The Speaker Shall be a Sufficient Number to adjourn.

The Petition of Mr *Miles Cary* Junr praying to be Admitted Clerk to one of the Committees being Read

Ordered That The Said *Miles Cary* be Clerk to The Comittee of Publick Claims and That he give his Attendance Accordingly

The

The Petition of Mr *Charles Chifwell* Setting forth That There is a Vacancy in a Clerks place to one of The Comittees and offering his Services to Supply That Vacancy— And

A Petition of Mr *Orlando Jones* praying to be admitted Clerk to The Committee of Propofitions & Greivances being Severaly Read

Ordered That The Nomination of a Clerk to The Said Comittee be Referred till to Morrow Morning.

A Comittee for Elections & Priviledges

Mr *Nathaniel Harrifon* Chairman

Mr *Francis Merriwether*.....Mr *Fitzhugh*
Mr *McCarty*.....Mr *Gaddefs*

Ordered That Mr *Miles Cary* Junr be Clerk of this Comittee and give his attendance Accordingly.

A Comittee for Publick Claims

Mr *Miles Cary* Chairman

Mr *Tayloe*.....Mr *Marable*
Mr *Wm Armiftead*.....Mr *Sullyvant*
Mr *Bland*.....Mr *Harry Beverley*
Mr *Hodges*.....Mr *Ball*
Mr *Edwards*.....Mr *Efcridge*

A Comittee for Propofitions & Grievances

Mr *Peter Beverley* Chairman

Mr *Robert Beverley*.....Mr *Bolling*
Mr *Nath: Harrifon*.....Mr *William Robinfon*
Mr *Hill*.....Mr *William Cary*
Mr *Mafon* of *Statford*.....Mr *Chriftopher Robinfon*
Mr *Barber*.....Mr *Jenkins*

Ordered That The Clerk of The houfe Deliver to the Chairman of The Comittee for Elections & priviledges The Several Writts for Election of Burgeffes Which Shall Come to his hands and That The Said Comittee Take into Their Confideration The Several Returns Thereon and Make Report of their proceedings & Opinions Therein to The houfe.

Ordered That The Comittees have power to adjourn Themfelves *De Die in Diem* and to Send for perfons Records Journals and other papers They fhall from Time to Time have Occafion of.

Refolved and Accordingly *Ordered*

That all Propofitions Greivances and Publick Claims be brought into The houfe within fourteen Days at furtheft or not to be Received in This Seffion of Affembly without particular leave of The houfe.

Ordered That The Clerk of The houfe publifh The furtheft time Set by the houfe for Receiving propofitions Grievances and publick Claims During This Seffion by Setting up a fair Copy of the Refolve of The houfe Made in That Behalf at each Door of The houfe

Ordered That The Comittee of Propofitions & Grievances Infpect The Journal of This houfe at The Laft Seffion and Report To The houfe What They find neceffary to be Taken into Confideration This Seffion

Ordered That The Comittee for Publick Claims Infpect The Report of The Said Comittee at The Laft Seffion and Report to The houfe What They find neceffary to be further Confidered This Seffion

Refolved and Accordingly *Ordered*

That all Petitions Propofitions & Greivances Directed for The Laft Seffion of Affembly and not Then Confidered be admitted to The Confideration of this Seffion

Refolved

Reſolved That The houſe will Take his Exĉlys Speech into Conſideration on *Fryday* Next

Ordered That The houſe be Called Over on *Fryday* next at Twelve a Clock

And Then The houſe Adjourned Till to Morrow Morning Ten a Clock

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Thurſday October ye 25th 1705

THE Certificates of *Phillip Ludwell* and *William Baſſett* Eſq^{rs} two of her Majeſtys honour^{ble} Council were Read Wherein They Certifyed That by Virtue of a Coñiſſion to Them Directed by his Exĉly They had Adminiſtred unto *William Randolph Francis Epes* and *John Cuſtis* Junr Gentlemen The Oaths Appointed by Act of Parliament to be Taken inſtead of the Oaths of Allegiance & Supremacy The Oath Mentioned in an act Entituled *an Act Declaring The Alterations in The oath Appointed to be Taken by The Act Entituled an Act for The further Security of his Majeſtys Perſon and The Succeſſion of The Crown in The proteſtant Line and for Extingviſhing The hopes of The pretended prince of* Wales *and all other Pretenders and Their open and Secret Abettors and for Declaring The Aſſoſiation to be Determined* Together with The Teſt and oath of a Burgeſs

Then The houſe (according to order) proceeded to The Nomination of a Clerk to The Comittee of Propoſitions and Greivances—and after Some Time Spent in Debate

The Queſtion was put

That Mr *Charles Chiſwell* be Admitted Clerk to The Comittee of Propoſitions & Grievances

It paſt in The Negative

Ordered That Mr *Orlando Jones* be Clerk to the Comittee of Propoſitions & Grievances and That he give his Attendance Accordingly

A Letter from Mr *Thomas Ballard* a Member of This houſe was Read.

Ordered That Mr *Randolph* be Added to The Comittee of Propoſitions & Grievances

The Grievances from *Northumberland* County were Read and Wanting Such Atteſtation as The Law Reqvires are Therefore Rejected.

The Grievances from *Lancaſter* County being Read and Wanting Such Atteſtation as the Law reqvires one of The Burgeſſes for The Said County Teſtifved That They were The Greivances of That County & That They Could not be Legally atteſted for That The Clerk nor judge of The Court were preſent at The Time appointed for preſenting The Same Wherefore The Said Grievances were Received and Referred to The Comittee of Propoſitions and Grievances to Report Their Opinions Therein.

Several Propoſitions and Grievances from The Countys of *Iſle wight, York, Henrico New Kent Warwick* and *Surry* being Read

Ordered That The Conſideration of The ſaid propoſitions and Grievances be Referred to The Comittee of Propoſitions and Greivances to Report their opinions Therein.

The Petition of Several Inhabitants of The County of *Lancaſter* Complaining of an undue Election of a Burgeſs for the ſaid County—And

The Petition of Mr *John Waller* Complaining of an Undue Election of The Burgeſſes for *King William* County—Being Severaly Read

Ordered That the Said Petitions be Referred to the Conſideration of the Comittee for Elections and Priviledges to Examine The Subject Matter Thereof and Report The Same with their opinions Therein to The houſe

Several publick Claims from The Countys of

Iſle wight.....*Surrey*
Charles City.....*King* and *Queen*
Henrico.....*New kent* &
York.....*King William*

Were preſented to The houſe and Referred to The Conſideration of The Comittee for publick Claims to Examine The Subject Matter Thereof & Report The Same with Their Opinions Therein to ye houſe

Ordered

Ordered That Mr *Wheatley* be Defired to Read prayers & That he attend at The Capitol every Morning by Ten a Clocke.

Ordered That The Clerk of The houfe Publifh The place Where The Comittee of Propofitions & Grievances & The Comittee of Publiek Claims are to Sit by Setting up a Certificate Thereof at The door of ye houfe.

A Motion being made—and after a Debate

The Queftion Put

That Mr *Ranfom* be added to the Comittee of Propofitions and Grievances

It paft in The Negative

And Then The houfe adjourned Till to Morrow Morning Ten a Clock

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Fryday October The 26th 1705.

THE Certificate of *Phillip Ludwell* and *William Baffett* Efqrs two of her Majeftys honble Council was Read Wherein They Certifyed That by Virtue of a Comifhion to Them Directed by his Excly They had Adminiftred The Oaths Appointed by Act of Parliament to be Taken Inftead of The Oaths of Allegiance and Supremacy, The Oath Mentioned in an Act Entituled *an Act to declare The alterations in The oath Appointed to be Taken by The Act Entituled an Act for The further Security of his Majeftys Perfon and The Succeffion of The Crown in The Proteftant Line & for Extingvifhing The hopes of The pretended prince of* Wales *and all other pretenders and Their open and Secret Abettors and Declaring The Affofiation to be Determined* Together with The Teft and oath of a Burgefs to *William Waters* Gentleman and alfo a Certificate of ye honble *William Baffett* and *Henry Duke* Efqrs Certifying That They had Adminiftred The aforefaid Oaths unto *John Wafhbourne* & *John Wife* Junr Gentlemen was Read

Several Publick Claims from the Countys of *Glouceſter* and *Elizabeth City* were prefented to The houfe and Referred to the Conſideration of the Comittee for Publick Claims to Examine The Subject Matter Thereof and Report The Same with Their Opinions Therein to the houfe

Several propofitions and Greivances from the Countys of *Accomack Northampton & King William* being Read

Ordered That The Confideration of The Said Propofitions and Grievances be Referred to the Comittee of Propofitions and Grievances to Report Their Opinions Therein

The Grievanees of *Prince George* County being Referred by his Excly and The Council to the Confideration of The houfe were Read.

Ordered That the Confideration of ye faid Grievances be Referred to the Comittee of Propofitions and Grievances to Report Their opinions Therein

The Petition of The Freeholders of *Middlefex* County and The Petition [of] *Gawen Corbin* and *Mathew Kemp* Gentlemen in Behalf of Themfelves and others The Freeholders in The Said County were Read Complaining of an undue Election of Burgeffes for The Said County of *Middlefex*

Ordered That The Confideration of the Said Petitions be Referred to the Comittee of Elections and Priviledges to Examine The Subject Matter Thereof and Report The Same with Their opinion Therein to the houfe.

The Certificate of *Phillip Ludwell & William Baffett* Efqrs two of her Majeftys honourble Council was Read wherein they Certifyed That by Virtue of a Comiffion to them Directed by his Excly They had adminiftred unto *William Ballard* Meffinger to the houfe of Burgeffes The Oaths appointed by Act of Parliament to be Taken Inftead of the Oaths of Allegiance and Supremacy, The Oath Mentioned in an Act Entituled *an Act to declare the Alterations in The Oath Appointed to be Taken by the act Entituled an Act for the further Security of his Majeftys Perfon and The Succeffion of The Crown*

in

in The Proteſtant Line and for Extingviſhing The hopes of the pretended Prince of Wales *and Their Open & Secret abettors and for Declaring The Aſſoſiation to be Determined* together with The Teſt—and Thereupon

Ordered That The Said *William Ballard* give his Attendance on The houſe.

The Certificate of *Phillip Ludwell & William Baſſett* Eſqre two of her Majeſtys honble Council was Read Wherein They Certifyed That by Virtue of a Comiſſion to Them Directed by his Exčly they had Adminiſtred The Oaths Appointed by Act of Parliament to be Taken Inſtead of The Oaths of Allegiance and Supremacy The Oath Mentioned in an Act Entituled *an Act to Declare the alterations in The oath Appointed to be Taken by The Act Entituled an Act for The further Security of his Majeſtys Perſon & The Succeſſion of the Crown in The Proteſtant line and for Extingviſhing The hopes of the pretended prince of* Wales *and all other pretenders & Their open & Secret Abettors and for Declaring The Aſſoſiation to be Determined* Together with The Teſt and Oath of a Burgeſs to *Edward Moſely* and *Adam Thorowgood* Gentlemen

The houſe (According to order) was Called over and The abſence of Such Members as did not Appear Excuſed.

The Petition of Mr *George Maſon* and Mr *William Fitzhugh* (member of This houſe) was Read, praying leave to bring in a Bill to prevent The Diviſion of *Stafford* County—And after a Debate The Queſtion was put

That Mr *Maſon* and Mr *Fitzhugh* have Leave to bring in a Bill According to ye prayer of Their Petition

Reſolved in The Affirmative

The houſe (According to order) proceeded to Take into Conſideration his Exclys Speech—And The Same being Read, after a Debate

The Queſtion Was Put

That The houſe do proceed upon The Reviſall of The Laws This Seſſion

Reſolved in the Affirmative

Then The Houſe proceeded on The further Conſideration of his Exčlys Said Speech and Thereupon Came to Theſe following Reſolutions

Ordered That The Conſideration of That part of his Exčlys Speech Relateing to Towns Warehouſes, Wharfs and, Keys be Referred to The Comittee of Propoſitions and Grievances, to Report Their Opinions Therein

Ordered That The Conſideration of That part of his Exčlys Speech recommending The Building a houſe fitt for The Reception of The Governors be Referred to The Comittee of Propoſitions & Grievances, and That They Inſpect The Journals of The former Aſſemblys upon That Matter and Report The Same with Their Opinions Therein to The houſe

Ordered That The Conſideration of That part of his Exčlys Speech Concerning Naval Stores be Referred to The Comittee of Propoſitions & Grievances to Report Their Opinions Therein

Ordered That That part of his Exčlys Speech Relateing to a Trade with *Spain* be Referred to The Conſideration of The Comittee of Propoſitions and Grievances to Report Their Opinions Therein

Ordered That That Part of his Exčlys Speech Concerning Prophaneneſs Vice and Immorallity be further Conſidered When The Reviſed Laws upon That head Come under The Conſideration of ye houſe

Mr *Nathaniel Harriſon* from The Comittee of Elections and Priviledges Reported That The Said Comittee had Taken into Conſideration ye Several Returns on The Writts Comitted to Them, & Therein had Come to Several Reſolutions which he Read in his Place and Then Delivered Them in at The Table Where being Again Read The houſe Took The Same into Imediate Conſideration and agreed to The Said Report as follows

Reſolvėd That Mr *William Armiſtead* & Mr *Anthony Armiſtead* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for ye County of *Elizabeth City*.

Reſolved

Reſolved That Mr *George Marable* and Mr *John Gadis* are Duely Returned Burgeſſes to ſerve in This Preſent Generall Aſſembly for the County of *James City*

Reſolved That Mr *Chriſtopher Robinſon* & Mr *Harry Beverley* are Duely Returned Burgeſſes to ſerve in This preſent Generall Aſſembly for The County of *Middleſex*

Reſolved That Mr *George Maſon* & Mr *William Fitzhugh* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for The County of *Stafford*

Reſolved That Mr *William Ball* & Mr *William Leiſter* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for The County of *Lancaſter*

Reſolved That Mr *Miles Cary* and Mr *William Cary* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for The County of *Warwick*

Reſolved That Mr *Chriſtopher Neal* and Mr *Peter Hack* are Duly Returned Burgeſſes to Serve in This Preſent Generall Aſſembly for The County of *Northumberland*

Reſolved That Mr *Peter Beverley* & Mr *James Ranſon* are Duly Returned Burgeſſes to Serve in This Preſent Generall Aſſembly for The County of *Glouceſter*.

Reſolved That Mr *Daniel Sullivan* & Mr *Henry Jenkins* are Duly Returned Burgeſſes to Serve in this preſent Generall Aſſembly for The County of *Nanſemond*

Reſolved That Mr *George Eskridge* and Mr *Daniel McCarty* are Duly Returned Burgeſſes to Serve in This Preſent Generall Aſſembly for The County of *Weſtmorland*.

Reſolved That Mr *Thomas Barbar* and Mr *Thomas Ballard* are Duly Returned Burgeſſes to Serve in this preſent Generall Aſſembly for the County of *York*.

Reſolved That Mr *Benjamin Harriſon* & Mr *Edward Hill* are Duly Returned Burgeſſes to Serve in this preſent Generall Aſſembly for the County *Charles City*.

Reſolved That Mr *John Weſt* and Mr *Thomas Weſt* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for the County of *King William*

Reſolved That Mr *Thomas Hodges* and Mr *George Maſon* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for The County of *Norfolk*.

Reſolved That Mr *Nichs Merriwether* & Mr *Nath. Weſt* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for the County of *New Kent*.

Reſolved That Mr *Robert Bolling* & Mr *Richard Bland* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for The County of *Prince George*

Reſolved That Mr *William Bird* and Mr *James Taylor* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for the County of *King & Queen*

Reſolved That Mr *Anthony Hollyday* and Mr *Samuel Bridger* are Duly Returned Burgeſſes to Serve in this preſent Generall Aſſembly for the County of *Iſle* of *Wight*

Reſolved That Mr *Francis Goldman* & Mr *Francis Merriwether* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for the County of *Eſſex*.

Reſolved That Mr *Nathl Harriſon* and Mr *William Edwards* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for The County of *Surry*.

Reſolved That Mr *Robert Beverley* is Duly Returned a Burgeſs to Serve in This preſent Generall Aſſembly for *James City*

Reſolved That Mr *William Randolph* and Mr *Francis Epes* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for The County of *Henrico*.

Reſolved That the Return on the Writt for Election of Burgeſſes in *Richmond* County is not Made According to Law—And Therefore

Ordered That the Sherriff of The Said County of *Richmond* be Sent for in Cuſtody of the Meſſinger of ye houſe to Amend his Return Made on the Writt for Election of Burgeſſes for the Said County & That Mr *Speaker* Iſſue his Warrant Accordingly.

Reſolved That Mr *William Waters* & Mr *John Cuſtis* Junr are Duly Returned Burgeſſes to Serve in This Preſent Generall Aſſembly for the County of *Northampton*

Then Mr *Nathaniel Harriſon* from the Comittee of Elections and Privilledges Reported That the Said Comittee had According to Order Taken into Conſideration The Petition of Mr *John Waller* of *King William* County Complaining of an undue Election of Burgeſſes for the Said County & Therein had Come to a Reſolution Which he

he Read in his Place and then Delivered in at the Table where Being again Read the houſe Took the Same into Imediate Conſideration—And Thereupon

Reſolved That by What hath hitherto Appeared the Sherriff of *King William* County did Cauſe the Election of Burgeſſes in the Said County (to Serve in this preſent Generall Aſſembly to be Made without giving Notice Thereof According to Law, & by that Means Cauſed an Undue Election to be Made for the Said County.

Ordered That The Sherriff of the Said County of *King William* be ſent for in Cuſtody of the Meſſinger of the houſe to anſwer the Complaint of the Said *John Waller*

And then The houſe adjourned Till to Morrow Morning Ten a Clock.

Satturday October: ye 27th 1705

THE Greivances from *Nanſemond* County being Referred from the Council were Read and Wanting Such Atteſtation as The Law Reqvires The Burgeſſes for the Said County teſtifyed That they were the Grievances of That County and That They Could not be Legally atteſted for That The Clerk was not Preſent at The Court Appointed for preſenting The Same

Ordered That the Said Griveances be Referred to the Conſideration of the Comittee for Propoſitions & Grievances to Report Their Opinions Therein

The Grievances from *King* and *Queen* County being Referred from the Council were Read and Referred to the Conſideration of the Comittee of Propoſitions and Grievances to Report Their Opinions Therein

The Petition of *William Randolph* Junr praying his Uſual Allowance for four Copys of the Journal and Laws of the Laſt Aſſembly Delivered to the Late Governor to be by him Sent to *England* as alſo for a Copy of the Said Laws Sent to the Secretarys Office—And

The Petition of *Lawrence Smith* Sherriff of *York* County praying for More Than the Uſual Allowance for his and his Officers attendance on The Generall Court—Being Severaly Read

Ordered That the Conſideration of the Said Petitions be Referred to the Comittee for Publick Claims to Report Their Opinions Therein

Several Claims from the Countys of *Northampton* and *Princeſs Anne* were preſented to the houſe and Referred to the Conſideration of the Comittee for publick Claims to Examine The Subject Matter Thereof and Report The Same with Their opinions Therein to the houſe

A Comittee for Receiving Inſpecting & Examining Mr *Treaſurers* Accounts

Mr *Robert Beverley*.....Mr *Gouldman*
Mr *Waters*.....M^r^ *Moſely*
Mr *Epes*.....M^r^ *Waſhbourn*

Ordered That The Said Comittee Report Their proceedings Therein to the houſe

A Bill Prepared by the Comittee for Reviſal of the Laws Entituled a Bill concerning the Church Clergy and other prochial affairs was Read The firſt Time & Comitted to a Comittee of the whole houſe

Reſolved That This houſe will upon *Tueſday* next Reſolve it Selfe into a Comittee of the Whole houſe upon ye Said Bill.

The Houſe being Informed That The Meſſinger had purſuant to Mr *Speakers* Warrant Taken into his Cuſtody Mr *Henry Fox* Sherriff of *King William* County to Anſwer the Complaint of Mr *John Waller* Concerning an undue Election of Burgeſſes for The Said County and That he Attended at The Door

Ordered That The Said Sherriff be brought into The houſe to Anſwer the Said Complaint, Who being Accordingly Brought in and heard againſt The Said Complaint Was Ordered to Withdraw & being Withdrawn

A Motion was Made That The Burgeſſes of *King William* County Speak What They Think proper on The Said Complaint and Then Withdraw

And Thereupon Some time being Spent in Debate An other Motion was made and The Queſtion Put

That The Debate be adjourned

It paſt in The Negative

Then The Burgeſſes for The Said County withdrew and after Some Time Mr *Waller* & his Evidence & Mr *Fox* were Called into The houſe and being heard What They had to Say were ordered to Withdraw,—and Being Withdrawn

Reſolved That Mr *Henry Fox* Sherriff of *King William* County hath not performed his Duty in Cauſeing a Legall Publication to be Made of the Writt for Electing Burgeſſes for the Said County to Serve in This Preſent Generall Aſſembly.

Then a Motion being Made and after a Debate The Queſtion Put

That Mr *John Weſt* and Mr *Thomas Weſt* are Duly Elected Burgeſſes for The County of *King William* to Serve in This Preſent Generall Aſſembly

It paſt in The Negative

And Thereupon

Reſolved That Mr *John Weſt* and Mr *Thomas Weſt* are not Duly Elected Burgeſſes for The County of *King William* to Serve in This preſent Generall Aſſembly.

Ordered That Mr *Robert Beverley*, Mr *Hill*, Mr *Goldman* Mr *Thorowgood*, M^r *Maſon* of *Norfolk* and M^r *Wiſe* wait upon his Exĉly and Deſire him to Iſſue out a new Writt for The Election of Burgeſſes to Serve in This Aſſembly for *King William* County in The Room of Mr *John Weſt* and Mr *Thomas Weſt* who are unduly Elected Burgeſſes for The Said County.

And Then The houſe adjourned Till *Munday* Morning Ten a Clock

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Munday October ye 29th 1705

A BILL prepared by The Comittee for Reviſal of the Laws Entituled *an Act for The Effectual Supreſſion of Vice and Reſtraint and Puniſhment of Blaſphemous Wicked and Diſſolute Perſons* was Read the firſt Time and Comitted to a Comittee of The whole houſe

A Bill prepared by The Comittee for Reviſal of The Laws Entituled *an Act Concerning Marriages* was Read The Firſt Time and Comitted to a Comittee of the whole houſe

A Bill prepared by The Comittee for Reviſall of the Laws Entituled *an Act for Eſtabliſhing The General Court and for Regulating and Setling The proceedings Therein* was Read The firſt time and Comitted to a Comittee of The whole houſe

Reſolved That This houſe will upon *Thurſday* next Reſolve it Self into a Comittee of the whole houſe upon The Said Bill.

A Bill Prepared by The Comittee for Reviſall of the Laws Entituled *an Act for Regulating the Elections of Burgeſſes for Setling Their Priviledges, and for Aſcertaining Their Allowances*, was Read The firſt time and Comitted to a Comittee of The Whole houſe

The Petition of Mr *Henry Fox* Sherriff of *King William* County praying to be Discharged out of Cuſtody of The Meſſinger being Read.

Ordered That he be Diſcharged Paying Fees

Ordered That The Meſſingers Fee for keeping any perſon (Except Members of this houſe) in his Cuſtody be Five Shillings ℔ Day.

And Then The houſe adjourned Till to Morrow Morning Ten a Clock

Tueſday

Tueſday October The 30th 1705

A BILL Prepared by The Comittee for Reviſall of the Laws Entituled *an Act for Limitation of Actions and Avoiding of Suits* was Read The firſt Time and Comitted to a Comittee of The Whole houſe

Mr *Nathaniell Harriſon* from the Comittee of Elections and Privilledges Reported That The Said Comittee had Taken into Conſideration Several Matters to Them Referred, and Therein had Come to Several Reſolutions Which he Read in his place and then Delivered Them in at The Table where being again Read the houſe Took The Same into Imediate Conſideration and agreed to The Said Report as follows

Reſolved That The Petitions of Several of the Inhabitants of the County of *Lancaſter* Complaining of an Undue Election of a Burgeſs for The Said County be Rejected

Reſolved That The Petition of The Freeholders of ye County of *Middleſex* and the Petition of Mr *Gawen Corbin* and Mr *Mathew Kemp* in Behalf of Themſelves and other The Freeholders of the Said County Complaining an an Undue Election of Burgeſſes for The Said County be Rejected

Reſolved That Mr *John Waſhbourn* and Mr *John Wiſe* Junr are Duely Returned Burgeſſes to Serve in This Preſent Generall Aſſembly for The County of *Accomack*

Reſolved That Mr *Edward Moſely* and Mr *Adam Thorowgood* are Duly Returned Burgeſſes to Serve in This preſent Generall Aſſembly for the County of *Princeſs Anne*

A Bill prepared by The Comittee for Reviſall of The Laws Entituled *an Act Declaring how Long Judgements Bonds Obligations and Accounts Shall be in force for The Aſſignment of Bonds and Obligations Directing what proof Shall be Sufficient in Such Caſes; and Aſcertaining The Damage upon proteſted Bills of Exchange*, was Read The firſt time & Comitted to a Comittee of ye whole houſe

The houſe (according to order) Reſolved it Self into a Comittee of the whole houſe upon The Bill Concerning The Church Clergy and other Parochial affairs and after Some time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from the Said Comittee That They had Made Some progreſs in The Said Bill and had Directed him to Move, That They May have Leave to Sit Again to Morrow

Reſolved That This houſe will to Morrow Morning Reſolve it Self into a Comittee of the whole houſe to Conſider further of The Said Bill.

And Then The houſe Adjourned Till to Morrow Morning Ten a Clock

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Wedneſday October ye 31ſt 1705

A MESSAGE from the Council by Mr *Robertſon*

Mr Speaker *and Gentlemen of the houſe of Burgeſſes*

His Excly having with great Concern Repreſented to the Council how neceſſary it is That an Examination be made into The Occaſion of That ſad and Deplorable accident (which happened the other Night) of Burning *William* and *Mary* Colledge; The Council Think fitt to Appoint Six of Their Members to Take Examinations concerning That unhappy Diſaſter, & Therefore Deſire this houſe to Appoint Such a Number of Their Members as They Shall Think fitt, to Aſſiſt in Examining into that Matter to Meet This Day at Eleven a Clock in the Conference Room.

The houſe agreed to the Examination Deſired By the Council in The Said Meſſage and appointed Mr *Randolph* Mr *Peter Beverley* Mr *Miles Cary* Mr *Robert Beverley* Mr *Hill* Mr *Harriſon* Mr *Maſon* of *Stafford* Mr *William Robinſon* Mr *Francis Merriwether* Mr *Waters* Mr *Chriſtopher Robinſon* & Mr *Hack* to Aſſiſt Therein and That they Meet the Council This Day at Eleven a Clock in the Conference Room.

Ordered That Mr *Peter Beverley*, Mr *Miles Cary* Mr *Robert Beverley* and Mr *Hill* wait upon The Council and Acqvaint Them That This houſe hath appointed Twelve

of

of their Members to Affiſt Their Honours (at The Time and place by Them Appointed) to Inqvire into The Occaſion of That unhappy Diſaſter of Burning *William* and *Mary* Colledge.

The Grievances from *princeſs Anne* County being Refered from the Council were Read & Refered to the Conſideration of the Comittee of Propoſitions and Grievances to Report Their Opinions Therein.

The Petition of *James Adams* praying Allowance for being Interpreter to the Northern Indians one year and half being Referred from the Council was Read and Referred to the Com^tee^ for Publick Claims to Report Their Opinions Therein.

Several Publick Claims from The County of *Warwick* were preſented to The houſe and Referred to The Conſideration of The Comittee for Publick Claims to Examine The Subject Matter Thereof and Report The Same with Their Opinions Therein to ye houſe.

Upon a Motion Made That Leave be given to any Member of This houſe to Appear and be Examined before The joynt Comittee of ye Council and Burgeſſes appointed to Take Examinations Concerning The Burning of The Colledge of *William* & *Mary*

Ordered That Leave be given Accordingly

The houſe (According to Order) Reſolved it Self into a Comittee of the Whole houſe to Conſider further of the Bill Concerning The Church Clergy & other Parochial affairs and after Some time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had made further progreſs in The Said Bill and had Directed him to Move That They may have Leave to Sit again to Morrow

Reſolved That The houſe will to Morrow Reſolve it Self into into a Comittee of the whole houſe upon The ſaid Bill.

A Motion Being Made and after a Debate The

Queſtion Put.

That it be Referred to a Comittee to Enqvire into The practice and Behaviour of The Attorney Generall

Reſolved in The Affirmative

And Thereupon a Comittee was Appointed *Viz^t^*

Mr *Robert Beverley*.....Mr *Fizhugh*
Mr *Harriſon*.....M^r^ *McCarty* &
Mr *Francis Merriwether*.....Mr *Gaddes*

Ordered That The Said Comittee Enqvire into The Practice & Behaviour of The Attorney General and Report Their proceedings Therein to The houſe

Ordered That The Said Comittee have power to adjourn *de Die in Diem* and to Send for Such perſons Records Journals and other papers as They Shall from Time to Time have Occaſion for.

And Then The houſe adjourned Till to Morrow Morning Ten a Clock

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Thurſday November The firſt 1705

THE Petition of *Richard Morris* The elder praying to be Diſcharged from being a Doorkeeper to This houſe and That his Son *Richard Morris* may Officiate in his place was Read, and The Said *Richard Morris* The Younger Thereupon Admitted in The place of his father & ordered That he give his Attendance Accordingly

A Meſſage from the Council by Mr *Robertſon*

Mr *Speaker*

The Council having Read and peruſed a paper preſented to Them as a Grievance from *King William* County find it to Contain Matter of very Dangerous Conſeqvence but as it has a particular Relation to The houſe of Burgeſſes They have Thought fitt to Send it to the houſe as more proper for Their Cenſure

The

The Said Meſſage and The Greivance Therein Mentioned Being Read

Reſolved That The houſe do forthwith Reſolve it Self into a Comittee of The whole houſe to Take into Conſideration The Said Meſſage & Grievance—And The houſe Accordingly Reſolved it Self into a Comittee of the whole houſe to Take The Said Meſſage and Grievance into Conſideration; and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Miles Cary* Reported from The Said Comittee That They had Come to a Reſolution, which he Read in his place and Then Delivered in at The Table Where being again Read The houſe agreed to The Same as follows

Reſolved That *Roger Mallory, George Dabne, Thomas Spencer, John Downer, Jure Barber, Francis Ill, Benjamin Arnold, Morris Floyd John Whitehead John Gree & Jacob Sellers* Who have Signed a paper as a Grievance from *King William* County be ſent for in Cuſtody of The Meſſinger of The houſe to Anſwer The Subject Matter of The Said paper, and That Coll° *John Weſt* be Likewiſe Sent for in Cuſtody it being Alledged That he is The Writer of The Said Paper.

Ordered That Mr *Speaker* Iſſue his Warrant Accordingly

Reſolved That This houſe will to morrow Reſolve it Self into a Comittee of The whole houſe upon The Bill Intituled a Bill Concerning The Church Clergy and other Parochial affairs.

Reſolved That This houſe will upon *Munday* next Reſolve it Self into a Comittee of The whole houſe upon The Bill intituled *an Act for Eſtabliſhing the Generall Court and for Regulating and Setling The proceedings Therein.*

The Grievances from *Glouceſter* County were preſented to The houſe and Wanting Such Atteſtation as the Law Requires are Therefore Rejected

Several propoſitions of Mr *Francis Makenie* were Read and The Same being allready provided for are Therefore Rejected

Several other propoſitions of Mr *Francis Mackenie* were Read and Referred to The Conſideration of ye Comittee for propoſitions and Grievances Together with a Small Pamphlet Entitled a plain and friendly perſwaſive to The Inhabitants of *Virginia* and *Maryland* for promoting Townes and Cohabitation

A Bill prepared by The Comittee for Reviſall of the Laws Entituled *an Act preſcribeing The Method of Appointing Sherriffs and for Limiting The Time of Their Continuance in Office and Directing Their Duty Therein* was Read The firſt Time & Comitted to a Comittee of the whole houſe

And Then the houſe adjourned Till to Morrow Morning Ten a Clock

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Fryday November The Second 1705

THE Petition of *Claud Phillipe de Richbourg* Miniſter in Behalf of himſelf & The Reſt of y^e^ *French* Refugees Setled at The *Manakin* Town and parts adjacent praying That Every perſon Inhabiting There may be Allowed Their proportion of Land According to The Number of Their ffamilys and That pattents may be Granted Them Accordingly being Referred from his Exc̄ly and The honourable Council was Read

Ordered That The Conſideration of The Said petition be Referred to The Comittee of propoſitions & Grievances

The Petition of *Arthur Allen* and *Nicholas Seſſums* Churchwardens of *Lawnes* Creek parriſh praying That The Said Parriſh May not be Conſolidated with the upper Parriſh of *Iſlewight* was Read

Ordered That The Said Petition be Taken into Conſideration by The Comittee of The whole houſe When that Clauſe of The Bill Concerning The Church Clergy and other Parochial Affairs, Relateing to the Conſolidating of The Said Parriſhes is Conſidered.

Mr *Peter Beverley* from The Comittee of propoſitions & Grievances Reported That The Said Comittee had Taken into Conſideration Several of The Matters to Them Referred

Referred and Therein had agreed upon Several Refolutions Which he Read in his place & afterwards delivered Them in at The Table where being again Read

Ordered That The Said Report be Taken into Conſideration to Morrow Morning

The houſe According to order Refolved it Self into a Comittee of The whole houſe to Conſider further of The Bill Intituled a Bill Concerning The Church Clergy and other Parochial Affairs and after Some Time Spent Therein Mr *Speaker* Refumed The Chair & Mr *Peter Beverley* Reported from The Said Comittee That They had Made Some further progreſs in The Said Bill and had Directed him to Move that they may have Leave to Sitt again to Morrow Morning

Refolved That The houſe will to Morrow Morning Refolve it Self into a Comittee of the whole houſe upon The Said Bill.

Mr *Edward Hill* a Member of This houſe Moveing for Leave to go into The Country upon an Extraordinary Occaſion—Leave is Accordingly given him

Ordered That he Attend The Service of The houſe again on *Munday* next at Twelve a Clock

And Then The houſe adjourned Till to Morrow Morning Ten a Clock

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Satturday November The Third 1705

THE Petition of *Miles Cary*, *William Buckner* and *William Robertſon* Gent. Attorneys of Colo *Francis Nicholſon* praying That The Said Colo *Nicholſon* May be Reimburſed The Sume of Eleven Pounds Thirteen Shillings *Sterling* Which he Expended in procureing The Queens Picture being Referred from The Councill was Read.

Ordered That The Conſideration of The Said Petition be Referred to The Comittee of Publick Claims to Report Their Opinions Therein

The Petition of *Thomas Mountfort* Concerning Some Tobacco Levyed him in *Accomack* County in The Year 1701

The Petition of *Thomas Ballard* Gent. praying allowance for five Days Attendance to Inſpect & overſee The Building of The Capitol—And

The Petition of *Thomas Barbar* Gent. praying Allowance for Six days Attendance to Inſpect & overſee The Building of the Capitol

Being Severally Read

Ordered That The Conſideration of the Said Petitions be Referred to the Comittee for Publick Claims to Report Their Opinions Therein.

The Several Petitions of *Andrew Young Joſeph Dunbar William Brown* and *William Sayers* Each praying for Liberty to Keep a Ferry on *York* River being Referred from The Council were Read

Ordered That The Said Petitions Ly upon The Table

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *an Act Directing The Manner of Levying Executions and for Releif of poor priſoners for Debt* was Read The firſt Time & Comitted to a Comittee of the Whole houſe

A Bill prepared by The Comittee for Reviſal of The Laws Intituled *an Act Concerning Jurys* was Read The firſt Time & Comitted to a Comittee of The whole houſe

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *an Act for Eſtabliſhing The County Courts for Regulating and Setling The proceedings Therein and Directing The Manner of Granting Probates of Wills and Adminiſtration of Intestates Eſtates* was Read The firſt Time and Comitted to a Comittee of The whole houſe

The houſe (according to order) Refolved it Self into a Comittee of The Whole houſe upon The The bill Intituled a Bill Concerning The Church Clergy & other Parochial Affairs and after ſome Time Spent Therein Mr *Speaker* Refumed The Chair, and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill, and agreed upon Several Amendments to be Made Therein Which he Read

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in his Place and then Delivered in at The Table where They were again Read And after a Debate The Queſtion being put

That The houſe do proceed to The Imediate Conſideration of The Report of The Comittee of The whole houſe upon The Bill Concerning The Church Clergy and other parochial Affairs

Reſolved in The Affirmative

Then The Amendments to The Said Bill were Read & Agreed unto by The houſe

Ordered That The Said Amendments be Inſerted in The Bill and That The Said Bill be Read a Second Time on *Wedneſday* next

Ordered That The Report of The Comittee of Propoſitions & Grievances made to The houſe on *Fryday* Laſt be Taken into Conſideration on *Tueſday* next

Ordered That The houſe be Called over Every *Satturday* at two a Clock in The afternoon and Every *Munday* at Twelve a Clocke

And Then The houſe adjourned Till *Munday* Morning Ten a Clocke

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Munday November ye 5th 1705

A LETTER from Mr *John Tarpley* Sherriff of *Richmond* County Setting forth his Reaſons why he Could not Come with the Meſſinger (That was Sent to Take him into Cuſtody) to Amend his Return made on The Writt for Election of Burgeſſes for the Said County of *Richmond* being Read

Ordered That The Said Letter Ly upon The Table

The houſe According to order was Called over and The abſence of Thoſe Members That did not appear Excus'd

The Petition of Mr *Charles Chiſwell* Clerk of The Generall Court praying The Uſuall Allowance for his Service as Clerk of The Generall Court for half a Year Ending The Laſt *October* Generall Court—and

The Petition of Mr *Charles Chiſwell* Clerk of The Generall Court Setting forth That one *Daniel Macarty* was The fourth day of The Laſt General Court Indicted and Arrained for fellony and Burglary. and That by The Said Court a Cuſtomary Fee of Five hundred Pounds of Tobacco and Cask has been allways allowed The Clerk for his Services in Such Caſes & the Said *Macarty* being Unable to pay The Same prays he May be paid The Said Fee as The Law Directs—Being Severally Read

Ordered That The Conſideration of The Said Petitions be Referred to The Comittee of Publick Claims to Report Their Opinions Therein

Reſolved That The houſe will upon *Fryday* next Reſolve it Self into a Comittee of The Whole houſe upon The Bill Intituled *an Act for Eſtabliſhing The Generall Court and for Regulating and Setling The proceedings Therein*

The houſe Reſolved it Self into a Comittee of The Whole houſe upon The Bill Intituled *an Act preſcribing The Method of Appointing Sherriffs and for Limiting The Time of Their Continuance in office & Directing Their Duty Therein*, and after Some time Spent Therein Mr *Speaker* Reſumed The Chair; and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Some Amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table Where They were again Read and Agreed unto by The houſe

Ordered That The Amendments be Inſerted in The Bill & That The Said Bill be Read a Second Time to Morrow

Then The houſe Reſolved it Self into a Comittee of The Whole houſe upon The Bill Intituled *an Act Concerning Jurys*, and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon an amendment to be made Therein Which he Read in his place and Then Delivered——in at The Table Where being again Read it was agreed unto by The houſe and ordered to be Inſerted in The Bill.

Ordered That The Said Bill be Read a Second Time to Morrow

Then

Then The houſe Reſolved it Self into a Comittee of the Whole houſe upon The Bill Intituled *an Act Directing The Manner of Levying Executions and for Relief of poor priſoners for Debt*, and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair & Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several Amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table Where being again Read were agreed unto by The houſe.

Ordered That The Said Amendments be Inſerted in The Bill and That The Said Bill be Read a Second Time

The Petition of *John Redwood* Goalkeeper praying to be Allowed his Fees for The Impriſonment of *Daniell Macarty* from The Sixth day of *June* Laſt to This time was Read

Ordered That The Said Petition be Referred to the Conſideration of The Comittee for publick Claims to Report Their Opinions Therein.

A motion being Made after a Debate ye Queſtion put

That Mr *Marable* have Leave to be abſent from The Service of The houſe to Morrow *Reſolved* in The Affirmative

The Certificate of *Phillip Ludwell* & *William Churchill* Eſqrs two of her Majeſtys honble Council was Read Wherein They Certifyed That by Virtue of a Comiſſion to Them Directed by his Excly They had Adminiſtred The Oaths Appointed by Act of Parliament to be Taken Inſtead of The Oaths of Allegiance & Supremacy The Oaths Mentioned in an Act Entituled *an Act declaring The alterations in The Oath Appointed to be Taken by The Act Entituled an Act for The further Security of his Majeſtys Perſon and The Succeſſion of The Crown in The proteſtant Line and for Extinguiſhing The hopes of The pretended prince of* Wales *and all other pretenders and Their open & Secret abettors and for Declaring The aſſociation to be Determined*, Together with The Teſt and oath of a Burgeſs unto *John Weſt* and *Thomas Weſt* Gent.

And Then The houſe adjourned Till to Morrow Morning Ten a Clock

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Tueſday November ye 6th 1705

THE Petition of Mr Secretary *Jennings* praying Allowance for Twenty Eight Writts for Election of Burgeſſes

The Petition of Mr Secretary *Jennings* praying Allowance for Copys of the Rules of The Generall Court Sent to each Reſpective County Court purſuant to an order of The Generall Court—And

The Petition of Mr *Arthur Allen* praying Allowance for Surveying The *Nottoway* Indian Ring purſuant to an order of Council.

Being Referred from The Council were Severaly Read

Ordered That the Conſideration of the Said Petitions be Referred to the Comittee for Publick Claims to Report Their Opinions Therein

The Propoſitions of Mr *John Walker* for a Town to be Built on his Land on *Mattapony* River were Read & Referred to the Conſideration of the Comittee of propoſitions and Grievances

A Bill prepared by The Comittee for Reviſal of The Laws Intituled *an Act for The Diſtribution of Inteſtates Eſtates Declaring Widdows Rights to Their Deceaſed huſbands Eſtates and for Securing Orphans Eſtates* was Read The firſt time and Comitted to a Comittee of The Whole houſe.

A Bill prepared by The Comittee for Reviſall of the Laws Intituled *an Act for Attorneys proſecuting Suits on Behalf of Perſons out of The Country to give Security for The payment of Such Coſts and Damages as ſhall be awarded againſt Them* was Read The firſt Time & Comitted to a Comittee of The Whole houſe.

A Bill prepared by The Comittee for Revifall of The Laws Intituled *an Act Directing The Building and Maintaining of Prifons Pillorys Whipping pofts Stocks and Ducking Stools in Every County and for Setling The Rules of prifons* was Read The firft time and Comitted to a Comittee of ye whole houfe.

A Bill prepared by The Comittee for Revifall of The Laws Entituled *an Act Declaring Who Shall not bear office in This Country* was read The firft Time and Comitted to a Comittee of The Whole houfe

A Bill prepared by The Comittee for Revifall of The Laws Entituled *An Act for Improveing the Staple of Tobacco and for Regulating The Tare & Size of Tobacco hogfheads* was Read The firft Time and Comitted to a Comittee of the whole houfe.

A Bill prepared by The Comittee for Revifall of The Laws Entituled *an Act againft Importing Tobacco from* Carolina *and other parts without The Capes of* Virginia was Read the firft time & Comitted to a Comittee of The Whole houfe.

A Bill Intituled *an Act prefcribing The Method of Appointing Sherriffs and for limiting the Time of Their Continuance in Office and Directing Their Duty Therein* was (according to order) Read the Second time and after a Debate The Queftion being put

That The Said Bill be Comitted for Amendments

It paft in The Negative

Ordered That the Said Bill be Engroffed

A Bill Intituled *An Act Concerning Jurys* was (according to order) Read The Second time and Some Amendments being Made Therein at the Table and Twice Read

Ordered That The Said Bill with The Amendments be Engroffed

A Motion being Made and after a Debate ye Queftion put

That The houfe now proceed to The Conſideration of The Report of The Comittee of propoſitions & Grievances

Refolved in The Affirmative

Then The houfe proceeded to ye Conſideration of ye f^d^ Report And upon Conſideration of The Report of The Said Comittee Made upon an order of The houfe for Inſpecting The Journal of The Laft Seſſion of Aſſembly

Ordered That a bill to preventing The Taking away Concealing and unlawfull Detaining of Goods Caft away upon The Coaft of this Colony (prepared The laft Seſſion of Aſſembly) be brought into The houfe and Read

Ordered That it be an Obſervation on This Journal That There Still Remains in The hands of Col° *Robert Carter* the Sume of Two hundred and one pounds nine Shillings and Nine pence for The Truſtees of The City of *Williamſburgh*

Ordered That The Claim of *William Tart* for Taking up *Francis Hums* Servant to Major *Allen* be Referred to The Conſideration of The Comittee for Publick Claims

And upon Conſideration of the Report of The Said Comittee made upon That part of the Grievance from *Prince George* County praying That ye Land on The South Side of *Blackwater* Swamp may be laid open and That Liberty be given to Survey and Patent The Same

The houfe agreed to The Report of The Said Comittee *Viz^t^*.

Refolved That it Would be for her Majeſtys Interreſt to Lay open The Said Lands—and Thereupon

Ordered That it be Referred to The Comittee of propoſitions & Grievances to Draw a Suitable Addreſs to his Exĉly for Liberty to Survey and patent The Lands on The South Side *Black water* Swamp and in *Pamunkey* Neck

And upon Conſideration of The Report of The Said Comittee made upon That part of The Greivance from *Prince George* County praying That no Grant for Land may Exceed one Thouſand Acres and The Grievance of *Henrico* County praying That no grant May Exceed five hundred Acres

The houfe Diſagreed to The Report of The Said Comittee—and Thereupon

Ordered That it be Referred to a Comittee of the whole houfe to Conſider what Reſtraints Shall be proper in Taking up of Land

Then

Then The houſe Reſolved it Self into The Said Comittee and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Miles Cary* Reported from The Said Comittee That They had Cõme to Several Reſolutions Which he Read in his place and Then Delivered in at The Table Where being again Read The houſe agreed to The Same & are as follow

Reſolved That no Reſtraint be Laid upon any Lands allready Entered for

Reſolved That no Grants upon Entrys hereafter to be made Shall Exceed one Thouſand Acres

Reſolved That the Moſt proper Way for Laying The Reſtraint be by an Act of Aſſembly.

Ordered That The Report of The Comittee of propoſitions & Grievances be further Conſidered to Morrow Morning

And Then The houſe Adjourned Till to Morrow Morning Ten a Clock

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Wednesday November ye 7th 1705

A BILL prepared by The Comittee for Reviſall of the Laws Intituled *an Act Concerning The Militia* was Read The firſt time and Comitted to a Comittee of The Whole houſe

Ordered That it be an Inſtruction to The Said Comittee to have Regard to The Bill Concerning The Militia formerly paſſed This houſe

A Bill prepared by The Comittee for Reviſall of ye Laws Intituled *an Act for preventing Frauds in The Cuſtoms & in Clearing of Ships for Aſſertaining Collectors and Naval Officers Fees & to prohibit The The Caſting of Ballaſt into Rivers and Creeks* Was Read The firſt time and Comitted to a Comittee of The whole houſe

The houſe (According to order) proceeded on The further Conſideration of The Report of the Comittee of propoſitions and Greivances

And upon Conſideration of The Report of The Said Comittee Made upon That part of the Greivance from *Prince George* County praying That Rights May be purchaſed for Tobacco

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That The Same be Rejected

And upon Conſideration of The Report of the Said Comittee made upon The Several Greivances from The Countys of *Prince George Surry & King & Queen* praying That The Rates of forreign Coyn May be advanced and aſſertained According to The Rates Mentioned in her Majeſtys Proclamation

The houſe agreed to the Report of The Said Comittee *Viz*t

Reſolved That a Bill for The advancing and Aſcertaining The Rates of forreign Coins be prepared

Ordered That it be Referred to The Comittee of propoſitions and Greivances to prepare and bring in The Said Bill

And upon Conſideration of The Report of The Said Comittee Made upon That part of the Grievance from *New kent* County praying That Rangers may be Appointed as Uſual on The heads of the Rivers

The houſe agreed to The Report of ye Said Comittee *Viz*t

Reſolved That There is no Occaſion for Rangers & Therefore That ye Same be Rejected

And upon Conſideration of the Report of The Said Comittee made upon That part of The Grievance from *New kent* County praying That a penalty be Laid on Every Freeholder within her Majeſtys Dominion of *Virginia* Yearly That Shall not make Six or Seven pounds of Dreſt flax or hemp for Every Tythable

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That The Same be Rejected

And

And upon Conſideration of The Report of The Said Comittee Made upon That part of the Grievance from *New kent* County praying That a penalty be Laid on Every Merchant Who Comes and Enters Goods Within This Colony and Then Makes Whole Sale to The *Penſilvania* and other Country Traders

The houſe agreed to The Report of ye Said Comittee *Viz^t^*

Reſolved That There be no penalty Laid on any one for Selling Their Goods by Wholeſale and Therefore That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon The Three Laſt paragraphs of The Grievance of *New kent* County Concerning The Complaints Which have been Made againſt *Francis Nicholſon* Eſq^r^ her Majeſtys Late Governor &c A Motion was Made and after a Debate ye Queſtion put

That The houſe Reſolve it Self into a Comittee of ye whole houſe to Conſider of The ſaid Report

Reſolved in The Affirmative

Then an other Motion was Made That Mr *Nathan^ll^ Weſt* Who was a party Concerned in The Said Grievance Should be firſt heard in his place to Say what he Thought fitt for The Information of the houſe and Then Withdraw and after a Debate The Queſtion was Put

That Mr *Nathaniel Weſt* be firſt heard for The Information of the houſe and then Withdraw

Reſolved in The Affirmative

And The Said M^r^ *Weſt* having Spoke for The Information of the houſe Accordingly withdrew

Then The Houſe Reſolved it Self into The Said Comittee and after Some time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Robert Beverley* Reported from The Said Comittee That They had Come to a Reſolution Which he Read in his place and Then Delivered in at The Table Where being again Read ye houſe agreed to The Same and is as follows

Reſolved That The Three Laſt paragraphs of the Grievance from *New kent* County in Theſe words "That none Take upon Them to Repreſent to her Moſt Sacred Majeſty "The Grievance of This her Colony without ye Conſent of and Well Liking of the "honourable houſe of Burgeſſes—That no Affidavits be Made to her moſt Sacred "Majeſty nor Memorials Signed againſt any of her Governors here for The future— "That no Thanks but Rather a Check be given to Thoſe That have So Done againſt "her Moſt Sacred Majeſtys Late Governor *Francis Nicholſon* Eſq^r^ &c:—be burnt under The Gallows by The Sherriff of *York* County as a Mutinous Seditious & Scandalous paper.

Ordered That The Sheriff of *York* County Attend on *Wedneſday* next to Burn The Three Laſt paragraphs of the Grievance from *New kent* County According to The Reſolve of This houſe and That The Meſſinger attending The houſe give The Said Sherriff Notice of this Order.

Then The houſe proceeded on The Conſideration of The Report of The Comittee of Propoſitions and Grievances and upon Conſideration of The Report of the Said Comittee Made upon That part of The Grievance from *Surry* County praying That Such an Impoſition be Laid on Negroes Imported into This Colony That May Leſſen The Quantity of Them

The houſe agreed To The Report of The Said Comittee *Viz^t^*

Reſolved That The Same be Rejected

And upon Conſideration of The Report of the ſaid Comittee Made upon That part of The Grievance from *Surry* County Deſireing That no Tradeſmen Should follow any Trade unleſs Such as had been Apprentices

The houſe agreed to The Report of The Said Comittee *Viz^t^*

Reſolved That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of the Grievance from *York* County Complaining That The *Guinea* men arriving

in

in The port of *York* River do Throw over Their Dead Negroes to The Great Annoyance of The Inhabitants There and praying Some Care May be Taken to prevent The Like for The future

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That all Maſters of Shipps and other Veſſels Arriving in any port within this Colony Shall Take Eſpecial Care That Such perſons as Dy on Board Their Ships or Veſſels be Carryed a Shore and Buried and That a bill be Prepared Accordingly

Ordered That it be Referred to The Comittee of Propoſitions and Grievances to prepare and Bring in The Said Bill—

And upon Conſideration of The Report of The Said Comittee made upon That part of The Greivance from *York* County Complaining That There is no ferry kept in *York* Town nor any Law for keeping a fferry There

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The fferrys be Setled and That a Bill be prepared Accordingly

Ordered That it be Referred to The Comittee of Propoſitions and Grievances to prepare and Bring in The Said Bill

And upon Conſideration of The Report of the Said Comittee Made upon That part of The Grievance from *Henrico* County Complaining That Diverſe perſons profeſſing The Law do Appear at The Several County Courts in This Country as Attorneys Who freqvently find fault with Declarations and Make Uſe of Dilatory pleas to The Delay of Juſtice and Oppreſſion of The poor & praying That Such Like practices may be prevented &c.

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That Suitable Care be Taken in The Reviſall of The Laws to prevent Dilatory Pleas in proceedings at Law

Ordered That it be Referred to The Comittee of Propoſitions & Grievances to prepare a Suitable Clauſe to prevent Dilatory Pleas in proceedings at Law and That The Same be Added to one of the Revifed Laws

And upon Conſideration of The Report of The Said Comittee praying That all Mullattoes who Shall be born of White Women for The future be Declared Slaves

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee made upon That part of The Grievance from *Henrico* County Complaining That Divers Sherriffs & Collectors of Tobacco have Refuſed to Receive Their parriſh & County Levys During Their office and after Commence Suits at Common Law for The Same Althô They have been offered Their juſt Dues by the Debtor who has been forced to keep his Tobacco by him all The year for Them & propoſeing That a Law may be made That every Collector ſhall Receive his Dues while he is in Such office

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Said Grievance is Sufficiently provided for by The Act Concerning Tenders of Tobacco & Therefore That The Same be Rejected

Ordered That The Bill Intituled *an Act Concerning The Church Clergy and other Parochial affairs* be read a Second Time to Morrow.

An Engroſſed Bill Intituled *an Act preſcribing The Method of Appointing Sherriffs and Limiting The Time of Their Continuance in office and Directing Their Duty Therein* was read The Third Time

Reſolved That The Said Bill Do Paſs

An Engroſſed Bill Intituled *an Act Concerning Jurys* was Read The Third Time.

Reſolved That The Said Bill Do Paſs

The houſe Reſolved it Self into a Comittee of The Whole houſe upon The Bill Intituled *An Act for Limitations of Actions and Avoiding of Suits*, and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said

Said Comittee That They had gone Through The Bill and agreed upon an Amendment to be made Therein Which he Read in his plaee and Then Delivered in at The Table Where The Same was again Read and agreed unto by The houſe

Ordered That The Amendment be Inſerted in The Bill and That The Said Bill be Read a Second Time

Then The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *an act Declaring how Long Judgements, Bonds, Obligations and Accounts Shall be in force, for The affignment of Bonds and Obligations, Directing What proof Shall be Sufficient in Such Caſes and Aſcertaining The Damage upon proteſted Bills of Exchange* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had Made Some progreſs in The Said Bill and had Directed him to Move That They May have Leave to Sit again

Reſolved That The houſe will to Morrow Reſolve it Self into a Comittee of The whole houſe to Conſider further of the Said Bill.

Ordered That The Comittee of Elections & priviledges be Reviſed

Ordered That Mr *Miles Cary*, Mr *William Armiſtead*, Mr *Nathaniell Weſt*, Mr *Holliday*, Mr *Bridger* M^r^ *Waſhbourn*, Mr *Wife* Mr *Hodges* & Mr *Hack* Carry The Bills Which have This Day paſſed The houſe to The Council and Deſire Their Concurrence Thereto

And Then The houſe adjourned Till to Morrow Morning Ten a Cloeke

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*Thurſday Nov^br^* ye 8th 1705

MR *Marable* a Member of This houſe Moveing for Leave to bring in Several Claims from *James City* County—Leave is Aecordingly given him & Thereupon

Ordered That The Said Claims be Referred to The Comittee for publick

Ordered That The Said Claims be Referred to The Comittee for publick Claims to Examine The Subject Matter Thereof and Report The Same with Their Opinions Therein to The houſe

Mr *Nathaniel Harriſon* from The Comittee of Elections and Priviledges Reported That The Said Comittee had Taken into Conſideration The Returns on Several other Writts Comitted to Them and therein had Come to Some Reſolutions whieh he Read in his place & Then Delivered in at The Table Where being again Read The houſe Came to Theſe Reſolutions following.

Reſolved That The Return Made on The Writt for Election of a Burgeſs for The Colledge of *William* & *Mary* is a good and Suffieient Return

Reſolved That Mr *John Weſt* and Mr *Thomas Weſt* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for *King William* County

The houſe (Aecording to Order) Reſolved it Self into a Committee of The Whole houſe to Conſider further of The Bill Intituled *an Act Declaring how Long Judgements, Bonds, Obligations and Accounts Shall be in force; for The Affignment of Bonds & Obligations directing What proof Shall be Sufficient in Such Caſes; and Aſcertaining The Damage upon proteſted Bills of Exchange* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had Made Some further progreſs in The Said Bill and had Directed him to Move That They may have Leave to Sit again

Reſolved That The houſe will to Morrow Reſolve it Self into a Comittee of The Whole houſe to Conſider further of The Said Bill

Ordered That The Bill Intituled *An Act Concerning The Church Clergy and other Parochial Affairs* be Read a Second Time to Morrow

And Then The houſe adjourned Till to Morrow Morning Ten a Clock

Fryday

Fryday November The 9th 1705

MR *Hollyday* Acqvainted The houſe That Mr *Bridger* is verry much Indiſpoſed and Therefore Deſires Leave to go into The Country for Reeovery of his health.

Leave is Accordingly given him

The houſe being Informed That The Meſſinger had purſuant to Mr *Speakers* Warrant Taken into his Cuſtody *Roger Mallory, George Dabne, Thomas Spencer, John Downer, Jure Barker, Francis Hill, Benjamin Arnold - Morris Floyd John Whitehead* and *Jacob Sellers* to anſwer The Subject Matter of a paper of Grievances from *King William* County by Them Signed; as alſo That he had in his Cuſtody Colo *John Weſt* who was Suppoſed to be The Writer of The Said paper.

The Said *Roger Mallory George Dabne Thomas Spencer John Downer Jure Barker Francis Hill & Benjamin Arnold* Were Severally Brought to The Barr of The houſe and Examined Coneerning The Said paper and then were ordered to withdraw and Being withdrawn

A Motion was made That *Morris Floyd John Whitehead, & Jacob Sellers* in Cuſtody of The Meſſinger be Diſcharged in order to Their being Examined before The houſe, as Wittneſſes Concerning The Said paper- and after a Debate The Queſtion being put.

That *Morris Floyd John Whitehead & Jacob Sellers* in Cuſtody of The Meſſinger attending This houſe be Diſcharged before Their Examination.

Reſolved in The Affirmative ninteen Yeas and Eighteen Nays

And They being Accordingly Diſcharged

An other Motion was made and after a Debate The Queſtion put

That a Juſtice of The peace be Appointed to Adminiſter an Oath to *Morris Floyd John Whitehead* and *Jacob Sellers* in order to Their Examination before This houſe

It paſt in The Negative

Then Colo *Weſt* was Brought to The Barr of The houſe and being Examined Concerning The Said Paper of Grievanees was ordered to withdraw and Being withdrawn *Morris Floyd John Whitehead* and *Jacob Sellers* were likewiſe brought to The Barr of The houſe and being Examined Concerning The Said paper were ordered to withdrăw and being withdrawn

Ordered That Colo *Weſt* be Diſcharged out of Cuſtody

Then a Motion was made and after a Debate The Queſtion Put

That The houſe do Reſolve into a Comittee of The Whole houſe to Conſider further of The Meſſage from The Council Relateing to a paper preſented to Them as a Grievanee from *King William* County

Reſolved in The Affirmative

Then The houſe Reſolved it Self into The Said Comittee and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Miles Cary* Reported from The Said Comittee That They had Come to Several Reſolutions Which he Read in his plaee and Then Delivered in at The Table where being again Read The houſe agreed to The Same with an Amendment & are as follow

Reſolved That The Grievance of *King William* County be publiekly Burnt as a Seandalous and Seditious paper

Reſolved That *Roger Mallory, George Dabne, Thomas Spencer John Downer Jure Barker Francis Hill* and *Benjamin Arnold* be brought to The Barr of The houſe & make Their Aeknowledgment for Signing The Said paper in Theſe words. I—of *King William* County do with Sorrow Acknowledge my Offence in Signing So Scandalous and Seditious a paper and do humbly Beg pardon for The Same

Reſolved That The Said Acknowledgement be Made before The houſe This Evening and That They Remain in Cuſtody Till *Munday* Noon and be Then Diſcharged paying Fees.

Upon

Upon The Several Motions of Mr *Bird*, Mr *Carte* Mr *Wm Robinſon* Mr *Chriſtopher Robinſon*, Mr *Bland* Mr *Francis Merriwether*, Mr *Robert Beverley* & Mr *Sullyvan* for Leave to go into The Country upon Extraordinary Occaſions.

Leave is Accordingly given Them

Ordered That They attend The Service of The houſe again on *Tueſday* Morning next

Ordered That The houſe be Called over on *Tueſday* next at Twelve a Clocke

Then *Roger Mallory*, *George Dabne*, *Thomas Spencer*, *John Downer Jure Barker Francis Hill* and *Benjamin Arnold* were again brought to The Barr & Acqvainted with The Reſolution of The houſe and They having according to The Same Made Their Acknowledgment were ordered to withdraw

Reſolved That The houſe will upon *Tueſday* next Reſolve it Self into a Comittee of The Whole houſe upon The Bill Intituled *an Act for Eſtabliſhing The Generll Court* and for Regulateing and Setling The proceedings Therein

Ordered That The Bill Intituled *an Act Concerning The Church Clergy and other parochial Affairs* be Read a Second Time on *Tueſday* next

Reſolved That The houſe will to Morrow Morning Reſolve it Self into a Comittee of The whole houſe to Conſider further of The Bill Intituled *an Act Declaring how Long Judgements, Bonds, Obligations and Accounts Shall be in force, for The Aſſignment of Bonds and Obligations Directing what proof Shall be Sufficient in Such Caſes and Aſcertaining The Damage upon proteſted Bills of Exchange*

And Then The houſe adjourned Till to Morrow Morning Ten a Cloke

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Satturday Nov ye 10th 1705

A LETTER from Mr *John Tarpley* Sherriff of *Richmond* County Setting forth That he is not Yet Capable of waiting on The houſe to Amend his Return made on The Writt for Election of Burgeſſes for The Said County of *Richmond* was Read.

A Bill Intituled *An Act for preventing The Taking away Concealing and unlawfull Detaining of goods Caſt away upon The Coaſt of This Colony* was Read The firſt Time and ordered to be Read a Second Time

A Bill prepared by The Comittee for Reviſal of The Laws Entituled *an Act Concerning The Granting Seating and planting and for Setling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon* was Read The firſt Time and Comitted to a Comittee of The Whole houſe

A Bill Intituled *an Act for Limitation of Actions and Avoiding of Suits* Was Read The Second time

Ordered That The Said Bill be Engroſſed and Read a Third Time

A Bill Intituled *an Act Directing The Manner of Levying Executions and for Relief of poor priſoners for Debt* was Read The Second time and recommitted

The houſe (according to order) Reſolved it Self into a Comittee of The whole houſe to Conſider further of The Bill Intituled *An Act Declaring how Long judgements, Bonds, Obligations and Accounts Shall be in force for the Affignment of bonds and Obligations Directing What proof Shall be Sufficient in Such Caſes, and aſcertaining The Damage upon proteſted Bills of Exchange* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from ye Said Comittee That They had gone Through ye Bill and agreed upon Several amendments to be made Therein, Which he Read in his place and Then Delivered in at The Table Where being again Read and agreed unto by The houſe

Ordered That The Said Amendments be Inſerted in The Bill and That The Said Bill be Read a Second Time.

Ordered

Ordered That The Grievances from *King William* County be Burnt on *Wednefday* next by The Sherriff of *York* County in The Capitol Yard:

The houfe was (according to order) called over and The abfence of Thofe Members That did not appear Excufed

And Then The houfe adjourned Till *Munday* Morning Ten a Clocke

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Munday November ye 12th 1705

THE houfe was (according to order) Called over and The abfence of Thofe Members That did not appear Excufed

The houfe Refolved it Self into a Comittee of ye Whole houfe upon The Bill Intituled *an Act for the Effectual Suppreffion of Vice, and Reftraint and punifhment of Blafphemous Wicked and Diffolute perfons* and after Some Time Spent Therein Mr *Speaker* Refumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several Amendments to be made Therein Which he Read in his place and Then Delivered in at The Table Where being again Read The Same were agreed unto by The houfe and ordered to be made in The Bill

Ordered That The Said Bill be Read a Second Time

Then The houfe Refolved it Self into a Comittee of The Whole houfe upon The Bill Intituled *an Act Directing The Building and Maintaing of prifons Pillorys Whipping Pofts, Stocks and Ducking Stools in Every County and for Setling The Rules of prifons* and after Some Time Spent Therein Mr *Speaker* Refumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table where They were again Read and agreed unto by The houfe

Ordered That The Said Amendments be Made in The Bill and That The Said Bill be Read a Second Time

A Member of The houfe Moveing for Leave to bring in a Petition of Mr *Thomas Mountfort* Leave is accordingly given him. And after a Debate Thereupon The Queftion was put That The Said petition be Referred to The Confideration of The Comittee of Claims

Refolved in The Affirmative

Then The houfe Refolved it Self into a Comittee of The Whole houfe upon The Bill Intituled *an Act Declaring Who Shall not bear office in This Country* and after Some time Spent Therein Mr *Speaker* Refumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Some amendments to be made Therein Which he Read in his place and then Delivered in at The Table Where being again Read were agreed unto by The houfe and ordered to be Inferted in The Bill

Ordered That The Said Bill be Read a Second Time

And Then The houfe adjourned Till to Morrow Morning Ten a Clocke

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Tuefday November: 13th 1705

THE Certificate of *Phillip Ludwell* and *William Churchill* Efq^rs^ two of her Majestys hon^ble^ Councill was Read Wherein They Certifyed That by Virtue of a Commiffion to Them Directed by his Excly they had adminiftred The Oaths Appointed by Act of Parliament to be Taken Inftead of The Oaths of Allegiance and Supremacy The Oaths Mentioned in The Act Intituled *an Act to Declare The allterations in The Oath Appointed to be Taken by The Act Intituled an Act for The further*

further Security of her Majeſtys perſon and the Succeſſion of ye Crown in The proteſtant Line and for Extinguiſhing The hopes of The pretended prince of Wales *and all other pretenders and Their open and Secret abettors & for Declaring the Aſſociation to be Determined* together with Teſt and oath of a Burgeſs unto *William Lifter* Gentleman

The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *an act againſt Importing Tobacco from* Carolina *and other parts without The Capes of* Virginia and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table where They were again Read and agreed unto by The houſe

Ordered That The Said Amendments be made in The Bill & That The Said Bill be Read a Second Time

Then The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *an Act for Improve The Staple of Tobacco and for Regulating The Size and Tare of Tobacco hogſheads* and after Some time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several Amendments to be made Therein; Which he Read in his place and Then Delivered in at The Table where The Same were again Read and agreed unto by The houſe

Ordered That The Said Amendments be Made in The Bill and That The Said Bill be Read a Second Time

The houſe (According to order) was Called over and The abſence of Thoſe Members That did not appear Excuſed

A Bill Intituled *an Act Concerning The Church Clergy and other parochial affairs* was (according to order) Read The Second Time and an Amendment being made Therein at Table and Twice Read

Ordered That The Said Bill with The amendment be Engroſſed

An Engroſſed Bill Entituled *an Act for Limitation of Actions and Avoiding of Suits* was Read The Third Time and a Rider being Added Thereto & Thrice read

Reſolved That The Said Bill with The Rider do paſs

Ordered That all Comittees be Revived

Then The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *an Act for Regulating The Elections of Burgeſſes and for Setling Their Privilledges and for Aſcertaining Their Allowances* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had made Some progreſs in The Said Bill and had Directed him to Move That They May have Leave to Sitt again

Reſolved That The houſe will to Morrow Reſolve it Self into a Comittee of The Whole houſe to Conſider further of The Said Bill

Reſolved That The houſe will upon *Thurſday* next reſolve it Self into a Comittee of The Whole houſe upon The Bill Intituled *an Act for Eſtabliſhing The Generall Court and for Regulateing and Setling The proceedings Therein.*

And Then The houſe adjourned Till to Morrow morning Ten a Clocke

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Wedneſday Novemb^r ye 14th 1705

A BILL prepared by The Comittee for Reviſal of The Laws Intituled *an Act to prevent The Clandeſtine Tranſportation or Carrying of perſons in Debt Servants and Slaves out of This Colony* was Read The firſt Time and Comitted to a Comittee of ye whole houſe

The houſe (According to order) Reſolved it Self into a Comittee of The Whole houſe to Conſider further of The Bill Intituled *an Act for Regulateing The Elections*

of

of Burgeſſes for Setling Their priviledges and for Aſcertaining Their Allowances and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several Amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table Where being again read The Same were agreed unto by The houſe with amendments

Ordered That The Said Amendments be Made in The Bill and That The Said Bill be Read a Second time

Mr *Robertſon* Brought into The houſe from The Council an Engroſſed Bill Intituled *an Act preſcribing The Method of Appointing Sherriffs and Limiting The Time of Their Continuance in Office and Directing Their Duty Therein* and with it a propoſal of amendmts to be Made Therein to Which Amendments if The houſe Should agree The Council would agree to ye Bill—And an Engroſſed Bill Intituled *an Act Concerning Jurys*, and with it a propoſal of amendments to be Made Therein to Which Amendments if The houſe Should agree The Councill would agree to The Bill

Mr *Peter Beverley* Acqvainted The houſe That *Glouceſter* Court is on *Fryday* next and Therefore Moved for Leave to Attend There as Clerk to The Said Court Which is Denyed

A Bill Intituled *An Act for The Effectual Suppreſſion of Vice and Reſtraint and Puniſhment of Blaſphemous Wicked and Diſſolute Perſons* was Read The Second Time and an amendment being made Therein and Twice Read.

Ordered That The Said Bill with The Amendment be Engroſſed

And Then The houſe adjourned Till to Morrow Morning Ten a Clocke

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Thurſday November ye 15th 1705

A BILL prepared by The Comittee for Reviſal of The Laws Intituled *an Act for Aſcertaining The Gage of Barrells for pork beef Tarr and Pitch* was Read The firſt Time and Comitted to a Comittee of The Whole houſe

An Engroſſed Bill Intituled *an Act for The Effectual Suppreſſion of Vice and Reſtraint and Puniſhment of Blaſphemous Wicked and Diſſolute perſons* was Read The Third Time

Reſolved Nemine Contradicente

That The Said Bill do paſs

Ordered That Mr *Randolph*, Mr *Ranſon* Mr *Gouldman*, Mr *Waſhbourn*, Mr *Wiſe* Mr *Cuſtis*, Mr *Neal*, and Mr *Anthony Armiſtead* do Carry to the Council The Bills Which Paſſed The houſe This Day and on *Tueſday* Laſt and Deſire Their honours Concurrence Thereto.

A Bill Intituled *an Act Declaring Who Shall not bear office in This Country* was Read The Second Time and an Amendment being made Therein and Twice Read.

Ordered That The Said Bill with The Amendment be Engroſſed

A Bill Intituled *an Act Directing The Building & Maintaining of Priſons Pillorys, Whipping Poſts Stocks and Ducking Stools in Every County and for Setling The Rules of Priſons* was Read The Second time and an Amendment being Made Therein & Twice Read

Ordered That The Said Bill with The Amendment be Engroſſed

A Bill Intituled *An Act againſt Importing Tobacco from* Carolina *and other Parts without The Capes of* Virginia was Read The Second Time

Ordered That The Said Bill be Engroſſed

A Bill Intituled *an Act for Improveing The Staple of Tobacco and for Regulateing The Size and Tare of Tobacco hogſheads* was Read The Second Time and recomitted—And Thereupon The houſe Reſolved it Self into a Comittee of The whole houſe upon The Recommitment of The Said Bill and after Some Time Spent Therein Mr *Speaker* Reſumed

Returned The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had agreed upon Some other amendments to be made Therein Which he Read in his place & Then Delivered in at The Table Where The Same being again Read and agreed unto by The houſe were made in The Bill and Twice Read.

Ordered That The Said Bill with The Amendments be Engroſſed

A Bill Intituled *An Act Declaring how Long Judgements Bonds Obligations and Accounts Shall be in force for The Aſſignment of Bonds & Obligations Directing What Proof Shall be Sufficient in Such Caſes as Aſcertaining The Damage upon proteſted Bills of Exchange* was Read The Second Time and Some Amendments being Made Therein and Twice Read

Ordered That The Said Bill with The amendments be Engroſſed

Upon a Motion Made The Meſſinger was Called into The houſe and being askt whether he had acqvainted The Sherriff of *York* County with The orders of This houſe for Burning The Grievanees from The Countys of *King William* And *New kent*, anſwered That he had Sent a Perſon to The Said Sherriff to acqvaint him Therewith, and he not finding him at home had Left a Copy of The order at his houſe; Whereupon it is ordered That The Meſſinger give notice to The Under Sherriff of of *York* County to perform The Said orders to Morrow between Eleven and twelve a Clocke

The houſe (according to order) Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *an Act for Eſtabliſhing The Generall Court and for Regulating and Setling The Proceedings Therein* and after Some time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That they had made Some Progreſs in The Said Bill and had Directed him to Move That They may have Leave to Sit again

Reſolved That The houſe will to Morrow Morning Reſolve it Self into a Comittee of The Whole houſe to Conſider further of The Said Bill.

And Then The houſe adjourned Till to Morrow Morning Ten a Clocke

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Fryday November ye 16th 1705

A BILL Prepared by the Comittee for Reviſall of The Laws Intituled *an Act for Raiſing a Publick Revenue for The Better Support of The Government of This her Majeſtys Colony and Dominion of* Virginia was Read The firſt time & Comitted to a Comittee of ye whole houſe.

Mr *Jenkins*, Mr *Nathaniel Weſt*, Mr *Thomas Weſt*, Mr *Ball* Mr *Harry Beverley*, Mr *John Weſt* and Mr *Harriſon* Severally Moved for Leave to go into The Country upon Extraordinary Occaſions, and Leave is Aecordingly given Them.

Ordered That They attend The Serviee of The houſe again on *Tueſday* Morning next

An Engroſſed Bill Intituled *an Act Concerning The Church Clergy and other Parochial affairs* was Read The Third time

Reſolved That The Said Bill Do paſs

An Engroſſed Bill Intituled *an Act Declaring who ſhall not bear office in This Country* was Read The Third Time

Reſolved That The Bill Do paſs.

An Engroſſed Bill Entituled *an Act Declaring how Long Judgements Bonds Obligations & Accou*t*s Shall be in force for The Aſſignment of Bonds & Obligations Directing what proof Shall be Sufficient in Such Caſes and Aſcertaining The Damage upon proteſted Bills of Exchange* was read The Third Time

Reſolved That The Bill Do paſs

Mr *Fitzhugh* and Mr *Maſon* (according to Leave given Them) brought in a Bill intituled *an act for Encouragement of The Land Frontiers* which being Read The firſt Time was ordered to be Read a Second Time

An

An Engroſſed Bill Intituled *an Act for Improveing The Staple of Tobacco & for Regulateing The Size and Tare of Tobacco hhds* was Read The Third Time.

Reſolved That The Bill do paſs

An Engroſſed Bill Intituled *an Act Directing The Building and Maintaining of Priſons Pillorys Whipping Poſts Stocks and Ducking Stools in Every County, and for Setling The Rules of priſons* was read The Third Time

Reſolved That The Bill Do paſs

An Engroſſed Bill Intituled *an Act againſt Importing Tobacco from* Carolina *and other parts Without The Capes of* Virginia was Read The Third Time

Reſolved That The Bill Do Paſs

Ordered That Mr *Peter Beverley*, Mr *Tayloe*, Mr *Hill*, Mr *Bland* Mr *Edwards*, Mr *Waters*, Mr *Jno Weſt*, Mr *Taylor*, Mr *Byrd* and Mr *Hollyday* Carry The Bills Which This Day paſſed The houſe to the Councill and Deſire Their Concurrence Thereto

Mr *Gaddes* Moving for Leave to be abſent from the Service of The houſe on *Munday* next Leave is Accordingly given him

Reſolved That The houſe will to Morrow Reſolve it Self into a Comittee of the Whole houſe to Conſider further of the Bill Intituled *an Act for Eſtabliſhing the Generall Court & for Regulateing and Setling the proceedings therein*

A Member of The houſe Moveing for Leave to bring in the Claim of *John Redwood* Leave is Accordingly given him and The Same being Read was Referred to The Conſideration of the Comittee for Publick Claims

The Petition of the Inhabitants on The Lower part of *Wilmington* parriſh praying That That part of The Said Parriſh May be added to *James City* parriſh being Referred from the Council was Read.

A Member of the houſe Moveing for Leave to bring in The Claim of Mr *Richard Covington* Leave is Accordingly given him and The Same being Read was Referred to the Conſideration of the Comittee for Publick Claims.

And Then The houſe adjourned Till to Morrow Morning Ten a Clocke

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Satturday November ye 17th 1705

MR *Speaker* Acqvainted The houſe That his Exĉly had been pleaſed to give him a Copy of part of his Inſtructions Which his Exĉly Deſired might be Entered on the Journal of This houſe and the Same being Read was ordered to be entered on The Journal and is as followeth.

And Whereas Several Inconveniencys have ariſen to our Government on The plantations by gifts & preſents Made to our Governors by The General Aſſembly we have Thought fitt hereby to Signify our Expreſs will and pleaſure That neither you our Governor, nor any Governor Lievtenant Governor, Commander in Chief or preſident of The Council of our Colony of *Virginia* for The time being Do give your or Their Conſent to The paſſing any Law or Act for any gift or preſent to be made to you or Them by The Aſſembly, and That neither you nor They do Receive any Gift or preſent from The Aſſembly or others on any Accot or in any manner Whatſoever upon pain of our higheſt Diſpleaſure and of being Recalled from That our Government, And wee do further Direct and Reqvire That This Declaration of our Royall will and pleasure be Communicated to The Aſſembly at Their firſt Meeting after your arrivall There, and Entered in The Regiſters of our Councill and Aſſembly That all perſons whom it May Concern May Govern Themſelves Accordingly.

A Member of The houſe Moveing for Leave to bring in *William Byrd* Eſqr his Account for Several Diſburſements by him made when he was agent for The Country in The affair of *New York*—Leave is Accordingly given him and The Said Account being Read and allowed

Ordered

Ordered That There be paid unto *William Byrd* Eſqr out of The publick Moneys in Mr *Treaſurers* hands the Sume of Six pounds Seventeen Shillings & Sixpence for So Much by him Expended as agent for This Country in The affair of *New York*

Ordered That The Thanks of the houſe be given *William Byrd* Eſqr for The Services he Did as agent for This Country in The affair of *New York*, and That Mr *Robert Beverley* - Mr *Bland*, Mr *Hill* and Mr *Epes* do The Same.

The houſe (According to order) Reſolved it Self into a Comittee of The whole houſe upon The bill Intituled *An Act for Eſtabliſhing The General Court and for Regulating and Setling The proceedings Therein* and after Some time Spent Therein Mr *Speaker* Reſumed The Chair And Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several Amendments to be Made Therein Which he read in his place and Then Delivered in at The Table Where The Same being again Read and agreed unto by The houſe

Ordered That The Said Amendments be made in The Bill and That The Said Bill be Read a Second Time.

Mr *William Armiſtead* Moveing for Leave to be abſent from the Service of the houſe on *Munday* next Leave is Accordingly given him.

The houſe was (according to order) Called over and The abſence of Thoſe Members That did not appear Excuſed

The houſe proceeded to Take into Conſideration The amendments propoſed by The Council to The Bill Intituled *an Act preſcribing The Method of appointing Sherriffs and Limiting The time of Their Continuance in office and Directing Their Duty Therein*, and The Same Being read were agreed unto by The houſe with an amendment.

The houſe proceeded to Take into Conſideration The amendments propoſed by The Council to The bill Intituled *an Act Concerning Jurys* and The Same being Read were agreed unto by The houſe and made in The Bill.

And Then The houſe adjourned Till *Munday* Morning Ten a Clocke

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Munday November ye 19th 1705

A BILL prepared by The Comittee for Reviſall of ye Laws Intituled *an Act Concerning Publick Claims* was read The firſt Time and Comitted to a Comittee of ye whole houſe

Mr *Fitzhugh* Moveing for Leave to be abſent from The Service of The houſe for Ten Days upon Extraordinary Occaſions—Leave is Accordingly given him.

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *An Act Concerning The Collection of The Publick and County Levys and for The Better payment of The Same To The Reſpective Creditors Therein concerned* was Read The firſt Time & Comitted to a Comittee of The Whole houſe

A Bill Intituled *an Act for Encouragement of Land Frontiers* was Read The Second Time and after a Debate The Queſtion was put

That The Bill be Engroſſed

Reſolved in The Affirmative

The houſe (According to order) was Called over & Thereupon

Ordered That Mr *William Byrd* be Senſured by The houſe if he Do not appear in his place to Morrow at Twelve a Clocke

The houſe Reſolved it Self into a Comittee of ye whole houſe upon The Bill Intituled *an Act to prevent The Clandeſtine Tranſportation or Carrying of perſons in Debt Servants and Slaves out of This Colony* & after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The ſaid Comittee That They had gone Through The Bill and agreed upon Several Amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table where The Same being again Read and agreed unto by The houſe.

Ordered

Ordered That The Said Amendments be made in The bill and That The Said Bill Be Read a Second Time

The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *an Act for Aſcertaining The Gage of Barrells for Pork Beef Tarre & Pitch* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair & Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several Amendments to be made Therein Which he Read in his Place & Then Delivered in at The Table Where The Same were again Read & agreed unto by The houſe

Ordered That The Said Amendments be made in The Bill and That The Said Bill be Read a Second Time

The houſe Reſolved it Self into a Comittee of The Whole houſe upon The Bill Intituled *an Act for Raiſing a Publick Revenue for The better Support of The Government of This her Majeſtys Colony and Dominion of* Virginia and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had made Some progreſs in The Bill and had Directed him to Move That They May have Leave to Sit again

Reſolved That The houſe will to Morrow Reſolve it Self into a Comittee of The whole houſe to Conſider further of the Said Bill.

The houſe Reſolved it Self into a Comittee of the whole houſe upon The Bill Intituled *An Act for Attorneys Proſecuting Suits on Behalfe of Perſons out of The Country to give Security for The Payment of Such Coſts and Damages as Shall be Awarded againſt Them* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through the Bill & agreed upon Some amendments to be Made Therein which he Read in his place and Then Delivered in at The Table Where The Same being again Read were agreed unto by the houſe.

Ordered That The Said amendments be made in The Bill and That The Said Bill be Read a Second Time.

And Then The houſe adjourned Till to Morrow Morning Ten a Clocke

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Tueſday November ye 20th 1705.

A BILL prepared by the Comittee for Reviſall of The Laws Intituled *an Act Againſt Stealing Hoggs* was Read The firſt Time and Comitted to a Comittee of The Whole houſe

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *an Act for prevention of Treſpaſſes by unruly horſes Cattle Hogs Sheep & Goats and by Taking away boats and Canoes* was Read The firſt Time & Comitted to a Comittee of the whole houſe

A Bill prepared by The Comittee for Reviſall of the Laws Intituled *An Act Giving a Reward for Killing of Wolves* was Read The firſt time & Comitted to a Comittee of The Whole houſe

A Bill prepared by The Comittee for Reviſall of the Laws Intituled *an Act to prevent The Killing Deer And Strikeing ffifh Unſeaſonable Times* was Read The firſt Time and Comitted to a Comittee of the whole houſe.

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *an Act for the Speedy and Eaſy proſecution of Slaves Comitting Capitall Crimes* was Read The firſt Time and Comitted to a Comittee of The whole houſe.

A Bill Intituled *An Act for Regulateing The Election of Burgeſſes for Settling Their Priviledges and for aſcertaining Their Allowances* was Read ye Second Time and after a Debate The Queſtion was Put

That The Bill be Comitted for amendments

It paſt in The Negative—and Thereupon

Ordered That The Said Bill be Engroſſed

A

A Bill Intituled *An Act to prevent The Clandeſtine Tranſportation or Carrying of Perſons in Debt Servants and Slaves out of This Colony* was Read The Second Time

Ordered That The Said Bill be Engroſſed

A Bill Intituled *An Act for Aſcertaining The Gage of Barrells for Pork Beef Tarr and pitch* was Read The Second Time

Ordered That The Said Bill be Engroſſed

A Bill Intituled *An Act for Attorneys proſecuting Suits on Behalf of perſons out of The Country to give Security for The payment of Such Coſts & Damages as Shall be awarded against Them* was Read The Second Time

Ordered That The Said Bill be Engroſſed

The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *an Act Concerning The Collection of The Publick and County Levys and for The better payment of The Same to The Reſpective Creditors Therein Concerned* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had Made Some progreſs in The Bill and had Directed him to Move That They may have Leave to Sit again

Reſolved That The houſe will to Morrow Reſolve it Self into a Comittee of The whole houſe to Conſider further of The Said Bill.

The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *An Act for Raiſing a Publick Revenue for The better Support of The Government of This her Majeſtys Colony and Dominion of* Virginia and after Some time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through the Bill and agreed upon Several amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table where The Same were again Read and agreed unto by The houſe

Ordered That The Said Amendments be made in The Bill and That The Said Bill be Read a Second Time.

The houſe Reſolved it Self into a Comittee of The whole houſe upon The bill Intituled *An Act for preventing Frauds in The Cuſtoms and in Clearing of Ships for Aſcertaining Collectors and Naval Officers fees and to prohibit The Caſting of Ballaſt into Rivers and Creeks* & after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had Made Some progreſs in The bill and Directed him to Move That They may have Leave to Sit Again

Reſolved That the houſe will again Reſolve it Self into a Comittee of the whole houſe upon The Said Bill.

And then The houſe adjourned Till to Morrow Morning Ten a Clocke

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Wedneſday Nov^br ye 21^ſt 1705

ORDERED That The houſe be Called over Every Morning at ten a Clocke & That Thoſe Members Who Shall Then fail in Their Duty of Attendance be Lyable to The Senſure of the houſe.

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *an Act Directing The Duty of Surveyors of Land and aſcertaining Their fees* was Read The firſt Time and Comitted to a Comittee of the whole houſe

An Engroſſed Bill Intituled *an Act for Regulateing Elections of Burgeſſes for Setling Their Priviledges and for aſcertaining Their Allowances* was Read The Third Time

Reſolved That The Bill Do Paſs

An Engroſſed Bill Intituled *an Act to prevent The Clandeſtine Tranſportation or Carrying of perſons in Debt Servants and Slaves out of This Colony* was Read The Third Time

Reſolved That The Bill Do Paſs

An

An Engroſſed Bill Intituled *an Act for Encouragement of The Land Frontiers* was Read The Third Time

Reſolved That The Bill Do Paſs

An Engroſſed Bill Intituled *an Act for Aſcertaining The Gage of Barrells for Pork, Beef Tarr and Pitch* was Read The Third time.

Reſolved That The Bill Do Paſs

An Engroſſed Bill Intituled *An Act for Attorneys Proſecuting Suits on Behalf of perſons out of The Country to give Security for The payment of Such Coſts and Damages as Shall be awarded againſt Them* was Read The Third Time

Reſolved That The Bill Do Paſs

Ordered That Mr *Robert Beverley*, Mr *Francis Merriwether* Mr *Leiſter*, Mr *Gaddes*, Mr *Gouldman*, Mr *Moſely*- Mr *Maſon* of *Norfolk*, Mr *Thorowgood*, Mr *Hollyday* and Mr *Wiſe*, Carry The Said Bills to The Council and Deſire Their Concurrence Thereto

Mr *Peter Beverley* from The Comittee of propoſitions and Grievances Reported That The Said Comittee had Taken into Conſideration Several of The Matters to Them Referred and Therein had Come to Severall Reſolutions Which he Read in his place and Then Delivered Them in at The Table Where being again Read

Ordered That The Said Report be Taken into Conſideration to Morrow

Mr *Robert Beverley* from The Comittee Appointed to Inſpect and Examine Mr *Treaſurer*s Accounts Reported The proceedings of The Said Comittee which he Read in his place and Then Delivered in at The Table where The Same were again Read & part Thereof being in theſe Words

"The Method Uſed by *Richard Lee* Eſqr Mr *Gawin Corbin* and Mr *William Wilſon* "Collectors of The Impoſt on Lyqvors Servants and Slaves in Their Accounting to The "Treaſurer for Lyqvors Imported, not Mentioning The Owners or Conſignees of Such "Liqvors nor Mentioning The Whole Sum before allowance Deducted is ſo Generall "and Incertain That it is Impoſſible upon Such Method for This Comittee to find out "The Miſtakes if any Should be but for That all Such *Virginia* Dutys are now at an "End, and as wee are Informed Thoſe Three officers have Uſed That Method for Some "Time Paſt we Conceive it May not be Inconvenient to Paſs The Same by for The "preſent

Was agreed unto by The houſe

And the Remaining part of The Said Report being likewiſe agreed to, The houſe Came to Theſe following Reſolutions Thereon.

Ordered That *Richard Lee* Eſqr Collector of The Impoſt on Lyqvors Servants and Slaves in *potomack* Diſtrict who hath Error in his Account about 4f 7d to his own advantage be Directed to Mend his Said Account and Make Oath Thereto before The next Seſſion of Aſſembly

Ordered That The Collector of The Impoſt on Lyqvors Servants & Slaves in The Eaſtern Shore Diſtrict (if Such there be Who hath not made any Account to ye Treaſurer not Sattisfyed him Whether he hath any Account to make or no be Directed to Make Oath Concerning The Same.

Ordered That it be an Obſervation on The Journal That The Ballance Remaining in The hands of Major *Peter Beverley* Treaſurer is Twelve hundred and five pounds fifteen Shillings and four pence farthing

A Bill Intituled *an Act for Eſtabliſhing The Generall Court and for Regulateing and Setling The proceedings Therein* was Read The Second Time and Some amendments being made Therein at The Table and twice Read.

Ordered That The Said Bill with The amendments be Engroſſed

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *an Act for Encouragment of building Grift and fulling Mills* was Read The firſt Time & Comitted to a Comittee of The Whole houſe.

A Meſſage from The Councill by Mr *Robertſon* That the Council have agreed to The Bill Intituled *An Act Declaring Who Shall not bear office in This Country* with Some amendments, to which They Deſire The Concurrence of This houſe

Alſo

Alſo That The Council have agreed to The bill Intituled *an Act Declaring how Long Judgments Bonds Obligations and Accounts Shall be in force for The Aſſignment of Bonds and Obligations Directing what proof Shall be Sufficient in Such Caſes and Aſcertaining The Damage upon proteſted bills of Exchange* with Some amendments to Which they Deſire The Concurrence of The houſe Alſo That The Council have agreed to The Bill Intituled *An Act againſt Importing Tobacco from* Carolina *and other parts without The Capes of* Virginia without amendments

Alſo That The Council have agreed to The bill Intituled *An Act Directing The Building and Maintaining of Priſons Pillorys Whipping poſts Stocks and Ducking Stools in Every County and for Setling The Rules of Priſons* without amendments

The houſe (According to order) Reſolved it Self into a Comittee of The whole houſe upon The bill Intituled *An Act Concerning The Collection of The publick & County Levys and for The better payment of The Same to The Reſpective Creditors Therein Concerned* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several amendments to be made Therein which he Read in his place and Then Delivered in at The Table where The Same were again Read and agreed unto by The houſe

Ordered That The Said Amendments be Made in The Bill and That The Said Bill be Read a Second Time.

The houſe Reſolved it Self into a Comittee of the whole houſe upon The bill Intituled *an Act Concerning publick Claims* and after Some time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That they had made Some progreſs in The Bill and Directed him to Move That they may have Leave to Sit again.

Reſolved That the houſe will to Morrow Reſolve it Self into a Comittee of the whole houſe to Conſider further of The Said Bill

And Then the houſe adjourned Till to Morrow Morning Ten a Clock

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Thurſday November ye 22^d^ 1705

A LETTER from Mr *William Ball* a member of This houſe Setting forth his Reaſons Why he doth not attend the Service of the houſe was Read.

The houſe (According to order) was Called over and The abſence of Thoſe Members that did not appear Excus'd

Ordered That Mr *Jenkins* Attend in his place to Morrow

The houſe (according to order) Reſolved it Self into a Comittee of the whole houſe upon the bill Intituled *An Act Concerning publick Claims* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone through The bill and agreed upon Several amendments to be made Therein Which he Read in his place and then Delivered in at The Table Where The Same being again Read were agreed unto by The houſe

Ordered That The Said Amendments be Made in The bill and That The Said Bill be Read a Second Time.

The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *An Act againſt Stealing hoggs* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had made Some progreſs in The Bills and Directed him to Move That they may have Leave to Sit again.

Reſolved That The houſe will to Morrow Reſolve it Self into a Comittee of The whole houſe to Conſider further of The Said Bill.

A Meſſage from The Council by Mr *Robertſon*, That The Council have agreed to The Bill Intituled *an Act for Limitation of Actions and Avoiding of Suits* with ſome amendments to Which They Deſire The Concurrence of The houſe

Alſo

Alſo That the Council have agreed to The Bill Intituled *an Act for Improveing The Staple of Tobacco & for Regulateing The Size & Tare of Tobacco hogſheads* with Some amendments to which They Deſire The Concurrence of The houſe

The houſe (according to order) proceeded to The Conſideration of The Report of The Comittee of Propoſitions and Grievances

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Iſle of Wight* County praying That The allowance for Evidences attending at The County Courts May be Reduced to twenty pounds of Tobacco Each Day

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Same be Rejected

And Upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Iſlewight* Countys praying That Jurys in Caſes of *Meum* and *Tuum* May have ſome Allowance for Their attendanee and Serving.

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Same be Rejected.

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from The Countys of *Iſlewight* and *Princeſs Anne* Complaining That The Reward for Killing Wolfes is to great and propoſing That it be Reduced to half So Much.

Ordered That The Same be Referred to be Conſidered by the Comittee of ye whole houſe when The Bill on That Matter Comes under Their Conſideration

And upon Conſideration of The Report of The Said Comittee made upon The propoſition of *Iſlewight* County That The Act againſt unſeaſonable killing of Deer be Revived

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Same be Rejected

And Upon Conſideration of The Report of The Said Comittee made upon That part of The Grievances from *Iſlewight* County Complaining That There is not a Surveyor Reſiding in The County.

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee made upon The propoſition from *Iſle Wight* County That The Dividing Line between That County and *Surry* having been already Run by The Surveyor and pay'd for May be Continued as The Dividing Line between The Said Two Countys.

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Late Ordinance of Aſſembly for Setling The Dividing Line between The Countys of *Iſlewight Surry, Charles City* and *Nanſemond* Doth Sufficiently provide for The Same and Therefore That The Said propoſition be Rejected.

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Warwick* County Setting forth That Divers perſons (Contrary to Law) do perſiſt in Turning out and Making Seconds and That The penalty of The Law is ſo great That it Would Ruin Many poor people Guilty of That offence if They Should be proſecuted upon That Law & propoſeing That The penalty for The Said offence May be five hundred pounds of Tobacco for Each Tythable.

The houſe agreed to The Report of ye Said Comittee *Viz*^{t}

Reſolved That The Same is Sufficiently provided for in The Reviſall of The Laws.

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Warwick* County Complaining That The time allowed for Killing Deer is to Long and propoſeing That Liberty be given only from The firſt Day of *October* Till The twenty fifth Day of *December*

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Law hath made Sufficient proviſion for The Same & Therefore That it be Rejected.

And

And upon Conſideration of The Report of The Said Comittee Made upon The Petition of *Claud Phillippe de Richbourg* Miniſter in Behalf of himſelf and The Reſt of The *French* Refugees Setled at The *Manakin* Town & parts adjacent praying That Every Perſon Inhabiting The Said *Manakin* Town and Parts adjacent May be Allowed Their proportion of Land According to The Number of Their Familys and That Every one may have his Patent to him & his heirs &c: being Naturalized by Act of Aſſembly

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That it is fitt The Petition be granted

Ordered That Mr *Randolph*, Mr *Epes*, Mr *Bolling* & Mr *Bland* Carry a Copy of The Said Reſolve to The Council, Together with The Petition on Which The Same is Grounded.

And Upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Northampton* County Complaining That The Paying The Impoſt of two Shillings ℔ hogſhead in That Diſtrict before They Can be permitted to Tranſport Their Tobacco for freight or Sale is burthenſome to The Inhabitants of The Said County.

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved. That Sufficient Proviſion is Made in The Reviſall of The Laws for Remidy Thereof.

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Nanſemond* County Complaining That The Court of the Said County is ſo Tedious in The Diſpatch of The Buſineſs of County That They are forced to Lett fall Their Suits Tho' never ſo juſt by Reaſon of ye great Charge Which will Accrue Thereon for Summoning Evidences and Their Attendance at Court Till The Cauſe is Determined which by The Tedious proceedings of The Said Court is Many Times a Whole year Tho' The Court holds Two Three or four days Together

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That Sufficient proviſion will be made in The Reviſall of The Laws about proceeding in County Courts & That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Nanſemond* County Complaining That The Situation of The Court houſe of The Said County is So Remote from The Centre of The County That it is Verry Inconvenient and Burthenſome To The Inhabitants of The Upper parts Thereof & praying That The Court houſe may be Removed to Some More Convenient place in The Said County

The houſe agreed To The Report of The Said Comittee *Viz*t

Reſolved That The Conſideration Thereof be Referred to The Next Seſſion of Aſſembly

And Upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Lancaſter* and *Princeſs Anne* Countys praying That The Vallue of Mony May be Aſcertained and as much as it May be prevented from being Exported out of This Country

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That The Same is allready anſwered by a former Report of This Comittee.

And upon Conſideration of The Report of The Said Comittee Made upon The propoſition from *Lancaſter* County That Collectors and Naval officers May be Reſtrained from Taking Larger or other ffees Than What is Their Due by Law and That in Thoſe Laws Which Aſcertain Their ffees a Speedyer Remidy may be Provided for Coming at the Penalty Given for Breach of The Said Laws.

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That The Law is Sufficient in That Reſpect & Therefore That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Lancaſter* County Relateing to the Removal of The Comoditys of The Growth of This Country in Shallops from one Diſtrict to another to be Diſpoſed of.

The

The houſe agreed To The Report of The Said Comittee *Viz*t

Reſolved That The Same is Sufficiently provided for allready.

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievances from *Lancaſter* County Relateing to The Entering and Clearing of Such Shallops or Sloops as Carry The Comoditys of The growth of This Country from one Diſtrict to another and The Payment of Fees for a permitt to Trade.

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That Sufficient Proviſion is Made by The Reviſall

And Upon Conſideration of The Report of The Said Comittee Made upon The propoſition from *Lancaſter* County That The Allowance allready given by Law for Mainteinance of The Clergy May be Continued and That There be no Standing Levy of forty ℔ Pole nor any alteration made in Reſpect to Their Induction.

The houſe agreed to the Report of The Said Comittee *Viz*t

Reſolved That Proviſion is Made Therefore by a bill Paſt This Seſſion

And upon Conſideration of The Report of The Said Comittee Made upon The Propoſition from *Lancaſter* County relateing to Courts Judges and forms of proceeding at Law.

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That The Subject Matter Thereof is under Conſideration in The houſe.

And upon Conſideration of The Report of The Said Comittee Made The propoſition from *Lancaſter* County That all ffees Eſpecially Clerks fees May be Moderated Reſtrained & plainly Expreſt.

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That a proper Bill be provided for That Matter in The Reviſall

And Upon Conſideration of The Report of The Said Comittee Made upon The propoſition from *Lancaſter* County That The *Penſilvania* Men and other Traders from The Neighboring Plantations be prohibited from Purchaſing Tobacco unleſs They will be Obliged to Export The Same in Their own Veſſels

The houſe agreed to the Report of The Said Comittee *Viz*t

Reſolved That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon The propoſition from *Lancaſter* County That Some proper Law be Made for Leſſning The Number of horſes and Mending Their Breed by Reſtraining Non Reſidents & Thoſe Who have no Lands from Keeping Wild horſes & Mares and how to proceed to the Tryall of The Treſpaſſes Comitted by Such horſes & Mares and What May be Done Therein

The houſe agreed to the Report of The Said Comittee *Viz*t

Reſolved That no perſon not having Land Either in his Own Right or as Tennant to Some other Shall keep more Than one horſe at a time and That a Bill be prepared Accordingly and That as to the other part of The propoſition The Law hath Sufficiently provided.

Ordered That it be Referred to the Comittee of propoſitions and Grievances to prepare and bring in The Said Bill

And upon Conſideration of The Report of The Said Comittee Made upon The Propoſition from *Lancaſter* County That Non Reſident Freemen Shall in Due time of Year Either Hire Themſelves, putt in for a Cropp or Conſtantly follow Some Calling or trade.

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Lancaſter* County praying That Some Allowance May be given for Killing of Crows & Squerrels with a Gunn

The houſe agreed to The Report of The Said Comittee *Viz*t

Reſolved That The Same be Rejected

And

And upon Conſideration of The Report of The Said Comittee Made upon The propoſition from *Lancaſter* County That The Cuſtom of Annual Aſſemblys may be Laid a Side

The houſe agreed to the Report of The Said Comittee *Viz*^{t}

Reſolved That it Can not be foreſeen When or how often Aſſemblys will be neceſſary and Therefore that The Same be Rejected

And Upon Conſideration of The Report of the Said Comittee Made upon That part of his Exĉlys Speech propoſing a Law for The Erecting of Towns Warehouſes Wharfs & Keys in Convenient places and The Several Papers Referred unto.

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved, That it will be advantageous to The Country That Ports and Towns be Appointed and That a Bill be prepared Accordingly

Ordered That it be Referred to Mr *Robert Beverley* Mr *Hill*, Mr *Bland*, Mr *Harry Beverley* & Mr *Chriſtopher Robinſon* to prepare and bring in The Said Bill

And upon Conſideration of The Report of The Said Comittee Made upon That part of his Exĉlys Speech Relateing to The Building a houſe for The Reception of ye Governor.

The houſe agreed to part of The Report of The Said Comittee and to part Diſagreed—and Thereupon

Reſolved That it is neceſſary That a houſe be built for ye Governor

Reſolved That Application be Made to The Governor to Lay Before The houſe The Accounts of her Majeſtys Revenue for Support of The Government and The Contingent Charges Thereof.

Ordered That Mr *Miles Cary*, Mr *Nathaniell Harriſon*, Mr *William Robinſon* Mr *Hill*, M^{r} *Maſon* of *Stafford* and Mr *Harry Beverley* do wait upon his Exĉly & Deſire That he will be pleaſed to give Directions That The Accounts of her Majeſtys Revenue for Support of The Government and The Contingent Charges Thereof be Laid Before This houſe

And upon Conſideration of The Report of The Said Comittee Made upon That part of his Exĉlys Speech Relateing to Naval Stores and The Act Which her gratious Majeſty Cauſed to be Enacted in *England* for Encouraging the Importation of Them from The Plantations.

The houſe agreed to The Report of The Said Comittee: *Viz*^{t}

Reſolved That The Said Act will be of great Service to This Country

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Accomack* County praying that no Double Impoſt of Tobacco brought from *Maryland* and Shipped in *Virginia* may be Exacted by *Virginia* officers Where Certificate is produced That it was paid in *Maryland*

The houſe agreed to the Report of The Said Comittee *Viz*^{t}

Reſolved That Sufficient proviſion is allready Made Therein.

And upon Conſideration of The Report of The Said Comittee made upon The propoſition of *Accomack* County That all due Regard May be had to her Majeſtys proclamation Concerning The Vallue of Coin or That Some Meaſures may be Taken to aſcertain The Value Thereof

The houſe agreed to the Report of The Said Comittee *Viz*^{t}

Reſolved That The Same is allready Anſwered in a former Report

And upon Conſideration of The Report of The Said Comittee Made upon The Propoſition from *Accomack* County That all Linnen and Woolen Manufacturies may be Encouraged by Law

The houſe agreed to the Report of The Said Comittee *Viz*^{t}

Reſolved, That if an Act paſs for The Erecting of Towns all Manufactories will be Encouraged Thereby.

And upon Conſideration of The Report of ye Said Comittee Made upon The propoſition from *Accomack* County That all Meaſures May be Taken for The Encouraging Trade

Trade and Rendring The Tranſporting of all goods to Towns More Eaſy for The poorer Sort Who Live at a great Diſtance from Them

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That Proviſion will be Made for The Same by The Act for Ports

Ordered That it be an Inſtruction to The Comittee Appointed to prepare and bring in a Bill for The Erecting Towns Warehouſes Wharfs and Keyes to have Regard to The Said Reſolve.

And upon Conſideration of The Report of The Said Comittee Made upon The Propoſitions from *Accomack* & *Princeſs Anne* Countys That Some Meaſures May be Taken to Oblidge Sherriffs to Receive The Publick Dues when Tendred, & That all perſons to whom Publick Tobacco is Due May be Obliged to Receive The Same from The Sherriffs

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved, That Sufficient proviſion will be Made in The Reviſall

And upon Conſideration of The Report of The Said Comittee Made upon The propoſition from *Accomack* County That The Veſtry According to the Act of Aſſembly May be Obliged to Call in Some freeholders to Lay The parriſh Levy & That a penalty may be Impoſed on Every Veſtry That Shall fail Therein

The houſe agreed to the Report of The Said Comittee *Viz*^{t}

Reſolved, That The Said propoſition be Rejected.

And upon Conſideration of the Report of The Said Comittee Made upon That part of The Grievance from *Accomack* County praying That The Law for Tendring of Debts when due May be rendered More Eaſy

The houſe agreed to the Report of The Said Comittee *Viz*^{t}

Reſolved That the Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Accomack* County propoſing That a Certain Sume According to Law May be Continued for The Maintainance of The Clergy and That There be no Poll Tax

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The Same is allready provided for

And upon Conſideration of The Report of The Said Comittee Made upon That Part of The Grievance from *King William* County Complaining That The Seventh Act of Aſſembly held the 20th day of *Aprill* 1704 Intituled *An Act for Tareing and Aſcertaining The Size of Tobacco hogſheads* is found Inconvenient and Praying That The 117th Act in The Printed Book Intituled Size of *Virginia* hogſheads May be Repealed.

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved, That the Same is provided for.

And upon Conſideration of The Report of The Said Comittee Made upon That Part of The Grievance from *King William* County Complaining That The Merchants of *Penſilvania* and others upon the Continent Export from This Country The *European* Comoditys

The houſe agreed to the Report of The Said Comittee *Viz*^{t}

Reſolved That the Same be Rejected

And upon Conſideration of The Said Comittee Made upon That part of The Grievance from *King William* County Praying that Suitable Care may be Taken to Prevent Counceillors Concerning Themſelves with The people and Voting at Election of Burgeſſes

The houſe agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That the Same be Rejected.

And upon Conſideration of The Report of The Said Comittee Made upon The propoſition from *Accomack* County That The Act giving Encouragement for Killing of Wolves may be Repealed and Inſtead Thereof That There may be an Act made Appointing a Certain place in the Centre of The County to Lodge a Number of Match Coats and that Every Indian for Encouragement of Killing Wolves may Receive from Every

Every Wolfs head brought in one Match Coat from The perſon Who Shall be Appointed to Keep The Same for That uſe and That The Perſon Who is ſo Appointed Shall give a juſt Account of What he hath Delivered out When The County Levyes Laid

The houſe agreed to the Report of The Said Comittee *Viz*^{t}

Reſolved That The Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of his Exĉlys Speech Relateing to her Majeſtys Reſolution to Open a Trade with *Spain* for The advantage of her Majeſtys Subjects in *America*.

The houſe agreed to The Report of the Said Comittee *Viz*^{t}

Reſolved That This Country Stands Obliged to her Majeſty for her grace and favour in That particular.

A Motion Was Made and after a Debate The Queſtion was put

That Applycation be Made to his Exĉly for a Receſs

Reſolved in The Affirmative

Ordered That an Addreſs be prepared Accordingly, and That Mr *William Robinſon*, Mr *Byrd*, M^{r} *Cuſtis*, Mr *John Weſt* and Mr *Peter Beverley* prepare The Said Addreſs and Report The Same to the houſe as ſoon as Conveniently May be.

Ordered That it be an Inſtruction to The Said Perſons to Acqvaint his Excellency in The Said Addreſs how far This houſe hath proceeded in his Speech.

The houſe Reſolved it Self into a Comittee of the Whole houſe upon The Bill Intituled *An Act for prevention of Treſpaſſes by Unruly horſes Cattle hoggs, Sheep & Goats and by Takeing away boats and Canoes*, and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had Gone Through The Bill and agreed upon Several Amendments to be Made Therein Which he Read in his Place and Then Delivered in at The Table where The Same were again Read and agreed unto by The houſe

Ordered That The Said Amendments be made in The Bill & That The Said Bill be Read a Seeond Time.

And Then The houſe adjourned till to Morrow Morning Ten a Cloeke

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Fryday November 23rd 1705

A LETTER from Mr *Samuell Bridger* a Member of this houſe Setting forth his Reaſons why he Doth not Attend The Service of the houſe was Read.

Mr *Miles Cary* Reported That The Perſons Appointed had (According to order) Waited on his Exĉly and Deſired That he would be pleaſed to give Direĉtions That The Accounts of her Majeſtys Revenue for Support of The Government and The Contingent Charges Thereof Might be Laid before This houſe

A Bill prepared by the Comittee for Reviſall of The Laws Intituled *an Act Concerning Servants & Slaves* was Read The firſt Time and Comitted to a Comittee of the Whole houſe

Mr *William Robinſon* Reported That The perſons Appointed had (According to order) prepared an Addreſs to his Exĉly Which he Read in his Place and Then Delivered it in at The Table, Where The Same was again Read

A Written Meſſage from his Exĉly by Mr *Robertſon*

Gentlemen

In Anſwer to Your Meſſage Concerning The Aceounts of her Majeſtys Revenue, Upon Enqviry I find The Accounts are in Mr Auditor *Byrds* hands who is now at his houſe in The Country But I Shall as Soon as poſſible Send for The Said Accounts and Lay Them before you

Edw: Nott

Then The houſe proceeded to The Conſideration of The addreſs to his Exĉly and Some Amendments being Made Therein The Same was agreed unto by The houſe & is as followeth

To

To His Excellency Edward Nott *Eſq^r her Majeſties Leiv^t & Governor Generall of* Virginia

The humble addreſs of the houſe of Burgeſſes

May it pleaſe Your Excly

Wee her Majeſties Moſt Dutifull and Loyal Subjects The Burgeſſes of This her Moſt Antient Colony & Dominion having Taken into our Serious Conſideration Your Exc̄lys Speech To This Aſſembly Beg Leave to Lay before Your Exc̄ly a Summary Account of what Wee have allready Done Thereupon Together with an humble Supplication for What Appears to us to be Neceſſary at This Time

The Body of Laws Reviſed and Compiled here by Direction of the Generall Aſſembly being firſt Recommended we Entered into The Conſideration Thereof as Soon as The houſe was Settled and prepared for it. and have Dilligently Applied Our Selves to That Work Ever Since, Several of Them are paſſed our houſe and Sent up to the honour^ble Councill & Some progreſs hath been Made upon Several others in order to Their paſſing.

We agree and have Reſolved That Appointing Ports and Towns will be advantageous to This Country and have Thereupon Nominated a Select Comittee to whom it is Referred to prepare and bring in a Suitable Bill for that Purpoſe

Wee have Likewiſe Reſolved That it is Neceſſary a houſe be built for The Reception of her Majeſtys Governor here but have not as yet Made any farther progreſs Towards it

Wee are of Opinion that The Law her Majeſty Cauſed to be Enacted in *England* for Encouraging The Importation of Naval Stores from The Plantations will prove very Serviceable to This Dominion and with all Dutifulneſs acknowledge her Majeſties grace and favour for her Declaration in Council of her Reſolution to open a Trade with *Spain* for The Advantage of her Subjects in *America*

Wee may not without Injuſtice Omit Taking Notice how Earneſtly Your Excellency hath been pleaſed to Expreſs Your Self for her Majeſtys Service and The Good of This her Colony and Dominion in Several Parragraphs of Your Speech Which fully perſwades us of your great Zeal to Both and That we Shall Continue happy under your prudent Government.

Wee have Directed Severall New Bills to be Drawn & There are Several Acts paſt Since The Late Reviſall Which muſt be Conſidered before The Body of The Laws Can be made Compleat and we are of Opinion They will Reqvire a Conſiderable Time.

The Perfecting of The Work wee have now in hand wou'd be very gratefull to us all but for as Much as The Winter Seaſon is ſo far Advanced and That we have no Proſpect of getting Through The Whole in a Reaſonable Time— Wee Take Leave to Repreſent to Your Exc̄ly That ye Sharpneſs of The Weather and The Shortneſs of The Days Together with The Inconvenience we Labour under by Means of our Diſperſed Lodgins will very much Obſtruct The Diſpatch of Buſineſs and So Occaſion a far heavier Charge upon The People Than another Seaſon Would When The Days are longer and wether More Temperate upon Which Account we Think our Selves Obliged to Make humble Suit to Your Exc̄ly for a preſent Receſs in Such Manner and for Such time as in your Exc̄lys Wiſdom Shall be Thought Convenient.

Ordered That The Said Addreſs be forthwith fairly Tranſcribed and Signed by Mr *Speaker* in order to be preſented to his Excellency.

The houſe (According to Order) Reſolved it Self into a Comittee of The whole houſe to Conſider further of The Bill Intituled *An Act againſt Stealing hoggs* and after Some time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several Amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table where The Same were again Read and agreed unto by The houſe.

Ordered That The Said Amendments be made in The Bill and That The Said Bill be Read a Second Time.

M^r

Mr *Randolph* Moveing for Leave to go into ye Country upon Extroardinary Occaſions Leave is Accordingly Given him.

Ordered That he Attend The Service of The houſe again on *Thurſday* next.

Ordered That Mr *Miles Cary*, Mr *Robert Beverley*, Mr *Hill* and Mr *Francis Meriwether* to go to The Council and Deſire That They will be pleaſed to Appoint Such of Their Members as They Shall Think fitt to joyn with a Comittee of This houſe to Conſider What further Directions are Neceſſary to be given Concerning The finiſhing of The Capitol or The other Publick Buildings

The houſe Reſolved it Self into a Comittee of The whole houſe upon The Bill Intituled *An Act giving a Reward for Killing of Wolves* and after Some Time Spent Therein Mr *Speaker* Reſumed the Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Several amendments to be made Therein Which he Read in his place and Then Delivered in at The Table where The Same being again Read were agreed unto by The houſe and ordered to be Made in The Bill

Ordered That The Said Bill be Read a Second Time

The houſe (According to Order) was Called Over & The Abſence of Thoſe Members That Did not Appear was Excus'd

The houſe Reſolved it Self into a Comittee of ye Whole houſe upon The Bill Intituled *an Act to prevent Killing Deer & Strikeing fiſh at Unſeaſonable Times* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair & Mr *Peter Beverley* Reported from ye Said Comittee That They had gone Through The Bill and agreed upon Severll Amendments to be Made Therein which he Read in his place & Then Delivered in at The Table where The Same were again Read and agreed unto by The houſe with amendments

Ordered That The Said Amendments be Made in The Bill & That The Said Bill be Read a Second Time

Mr *Bird* Moveing for Leave to go into The Country upon Extroardinary Occaſions Leave is Accordingly given him

Ordered That he Attend The Service of ye houſe again on *Tueſday* Morning

Ordered That Mr *Peter Beverley*, Mr *Bland*, Mr *MaCartee* Mr *Harry Beverley*, Mr *Gaddes*, Mr *Chriſtopher Robinſon*, Mr *Taylor* Mr *John Weſt* Mr *Anthony Armiſtead*, and Mr *Wiſe* do Wait upon his Excēlly & Acqvaint him That This houſe hath prepared an Addreſs to his Excly and Deſire to Know his pleaſure When The houſe Shall Attend him with Their Speaker to preſent The Said Addreſs And being Returned

Mr *Peter Beverley* Reported That They had delivered The Said Meſſage & yt his Exc̄ly was pleaſed to Say—I deſire You to Acqvaint Your houſe That to Morrow Morning at Eleven a Clock I will be in The Council Chamber.

The houſe being Informed That Mr *Ballard* a member of This houſe who hath lately had The Small Pox is Ready to Take his place in The houſe.

Ordered That Mr *Gaddes* Do Acqvaint Mr *Ballard* That The houſe will Diſpence with his Attendance at ye preſent and That his being here will be very unacceptable

And Then The houſe adjourned till to Morrow Morning Ten a Clock

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Satturday November ye 24th 1705

THE houſe according to order was Called over and The abſence of thoſe Members That did not Appear Excus'd

A Meſſage from The Council by Mr *Robertſon* That The Council have Appointed two of Their Members to join with a Comittee of ye houſe to Conſider what further Directions are Neceſſary to be given Concerning The finiſhing The Capitol & other publick Buildings Who will be Ready to Meet This Day at twelve a Clock in The Conference Room

And

And Thereupon

Mr *Miles Cary*.....Mr *Hill* &
Mr *Robert Beverley*.....Mr *Francis Merriwether*

Were Appointed to join with ye Council to Conſider What further Directions are Neceſſary to be given Concerning The finiſhing The Capitol & other publick Buildings & ordered That They give Their Attendance at ye time and place Appointed by The Council.

Then The houſe went to Attend his Excly with Their addreſs and being Returned Mr *Speaker* Acqvainted ye houſe That They had According to Leave given Them been to wait on his Excly with The addreſs and That ye Same being Read his Excly was pleaſed to Say; Gentlemen You Shall always find me verry Ready to Do any Thing That May oblige ye houſe of Burgeſſes but This being a matter of great Moment I muſt Take a Little Time to Conſider of it with ye Council

The Petition of Mr *Henry Cary* praying That Such further Directions may be given him Concerning The Capitol &c as This houſe ſhall Think fitt; being Referred from The Council was Read

Ordered That ye Conſideration of The Said Petition be Referred to The Comittee Appointed to Conſider What further Directions are neceſſary to be given Concerning The finiſhing The Capitol.

A Bill Intituled *An Act Concerning Publick Claims* was Read The Second Time and an amendment being Made Therein at The Table and twice Read

Ordered That The Said Bill, with The amendment be Engroſſed

Mr *M'Cartee* Moving for Leave to go into The Country upon Extraordinary Occaſions. Leave is accordingly given him.

A Bill Intituled *An Act Concerning The Collection of The publick and County Levys & for The better payment of The Same to The Reſpective Creditors Therein Concerned* was Read The Second Time

Ordered That The Said Bill be Engroſſed

A Bill Intituled *An Act againſt Stealing hoggs* was read The Second Time

Ordered That The Said Bill be Engroſſed

A Bill Intituled *An Act for prevention of Treſpaſſes by Unruly horſes Cattle hoggs Sheep & Goats & by Taking away Boats and Canoes* was Read The Second time and an amendment being Made Therein at The Table and Twice Read

Ordered That The Said Bill with The Amendment be Engroſſed.

A Bill Intituled *An Act giving a Reward for Killing of Wolves* was Read The Second Time, and after a Debate The Queſtion being put

That The Bill be Comitted for amendments

It paſt in The Negative—and Thereupon

Ordered That The Said Bill be Engroſſed

A Bill Intituled *An Act to prevent Killing Deer at unſeaſonable Times* was Read The Second time

Ordered That The Said Bill be Engroſſed

An Engroſſed Bill Intituled *An Act for Eſtabliſhing The Generall Court & for Regulateing and Setling The proceedings Therein* was Read The Third Time and Some Amendments being Made Therein at The Table and Thrice Read

Reſolved That The Bill amended Do Paſs

A Written Meſſage from his Excly by Mr *Robertſon*

Gentlemen

Being a Little Surprized with your addreſs as not having the neceſſary Buiſneſs of The Country Ready for an Imediate Receſs I have Conſidered how I may beſt Contribute to Your Eaſe and Sattisfaction, So as her Majtes and The Countrys Service May not Suffer; and it is Myne and The Councils opinion That for promoting of Both Your Continuance Together for Some few days Longer may be Reqviſite: I Therefore

hope

hope you will proceed on what you Think Moſt Neceſſary to be Diſpatched Till *Fryday* Morning at Which Time you have Mr Leave to adjourn Your Selves Till The 24th day of *Aprill* next.

Edw: Nott.

The houſe According to order was Called over, & Thereupon

Ordered That Mr *Henry Jenkins*, Mr *Francis Merriwether*, Mr *William Robinſon* and Mr *George Maſon* of *Stafford* be Taken in Cuſtody of The Meſſenger to Anſwer Their Defaults in not Attending (According to their Duty) The Service of The houſe

And Then The houſe adjourned till *Munday* Morning Ten a Clocke.

Munday November ye 26th 1705

A BILL prepared by The Comittee for Reviſall of ye Laws Intituled *An Act for Regulateing Ordinarys & Reſtraint of Tipling houſes* was Read The firſt Time & Comitted to a Comittee of ye whole houſe

Several Members of This houſe being on *Satturday* Laſt Ordered to be Sent for in Cuſtody of ye Meſſinger to anſwer Their Defaults in not Attending (According to Their Dutys) The Service of The houſe.

Ordered That Mr *Speaker* forbear to Iſſue Any Warrant Concerning The Same till further order from The houſe.

Ordered That The Calling over The houſe be put off Till to Morrow Morning

An Engroſſed Bill Intituled *an Act Concerning publick Claims* was Read The Third Time

Reſolved That The Bill Do Paſs

An Engroſſed Bill Intituled *An Act Concerning The Collection of The Publick and County Levys and for The better payment of ye Same to The Reſpective Creditors Therein Concerned* was Read The Third time.

Reſolved That The Bill Do Paſs

An Engroſſed Bill Intituled *an Act againſt Stealing hoggs* was Read The Third Time

Reſolved That The Bill Do Paſs

An Engroſſed Bill Intituled *An Act for prevention of Treſpaſſes by Unruly horſes Cattle hoggs Sheep and Goats and by Taking away Boats and Canoes* was Read ye Third Time

Reſolved That The Bill Do Paſs

An Engroſſed Bill Intituled *An Act giving a Reward for Killing of Wolves* was Read The Third Time

Reſolved That The Bill Do Paſs

An Engroſſed Bill Intituled *an Act to prevent Killing Deer at Unſeaſonable Times* was Read The Third time

Reſolved That The Bill Do Paſs

Ordered That Mr *Randolph*, Mr *Robert Beverley*, Mr *Marrable* Mr *William Armiſtead* Mr *Francis Merriwether*, Mr *Jenkins* Mr *Gaddis*, Mr *Eskeridge*, Mr *Waſhbourn* & Mr *Thorowgood* Carry to ye Council The Bill which paſſed ye houſe on *Satturday* Laſt as alſo Thoſe which paſſed This Day. and Deſire Their honours Concurrence Thereto

The houſe Reſolved it Self into a Comittee of ye whole houſe upon The Bill Intituled *An Act for ye Speedy and Eaſy proſecution of Slaves Comitting Capitall Crimes* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had Gone through the Bill & agreed upon Several amendments to be Made Therein Which he Read in his place & Then Delivered in at The Table where The Same being again Read were agreed unto by The houſe

Ordered That The Said Amendments be Made in the Bill & That The Said Bill be Read a Second Time

The

The houſe Reſolved it Self into a Comittee of the whole houſe upon The bill Entituled *an Act Concerning Servants and Slaves* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had Made Some progreſs in The bill and had Directed him to Move That they May have Leave to Sitt again

Reſolved That The houſe will again Reſolve it Self into a Comittee of The whole houſe upon The Said Bill

And Then The houſe adjourned till to Morrow Morning Ten a Clocke

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Tueſday November ye 27th 1705

A BILL prepared by The Comittee for Reviſall of ye Laws Intituled *an Act Concerning Tythables* was Read The firſt time & Comitted to a Comittee of The whole houſe

A Bill prepared by The Comittee for Reviſall of the Laws Intituled *an Act Concerning Wafts and Strays* was Read The firſt time and Comitted to a Comittee of ye Whole houſe

Ordered That The Calling Over the houſe be put off till to Morrow Morning

Ordered That The Comittee of Propoſitions & Grievances be Revived

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *An Act for Makeing Clearing and Repairing The high Ways and for Clearing Repairing The Rivers and Creeks* was Read The firſt Time and Comitted to a Comittee of The Whole houſe

A Bill prepared by The Comittee for Reviſall of The Laws Intituled *An Act for Prevention of MiſunderStandings between The Tributary Indians and other her Majeſtys Subjects of this Colony and Dominion and for a free and and Open Trade with all Indians Whatſoever* was Read ye firſt Time and Comitted to a Comittee of The Whole houſe.

Mr *Peter Beverley* from The Comittee of Propoſitions & Grievances Reported That ye Said Comittee had (according to order) prepared an Addreſs to his Excĕlly for Liberty to Survey and pattent The Lands on The South Side *Black water* Swamp and in *pamunkey* Neck Which he Read in his place and Then Delivered in at The Table where The Same was again Read: and after a Debate Thereupon The Queſtion was put

That The Addreſs be Comitted for amendments

Reſolved in The Affirmative —and Thereupon

Ordered That it be Comitted for amendments To The Comittee That prepared The Same

The houſe Reſolved it Self into a Comittee of The whole houſe upon The bill Intituled *An Act Concerning ye Militia* and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Peter Beverley* Reported from the Said Comittee That They had made Some progreſs in The Bill and had Directed him to Move That They may have Leave to Sitt again

Reſolved That The houſe will again Reſolve it Self into a Comittee of The Whole houſe upon The Said Bill.

And Then The houſe adjourned Till to Morrow Morning Ten a Clocke

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Wedneſday November the 28th 1705

MR. *Neal* Moving for Leave to go into The Country for Recovery of his health Leave is Accordingly given him

A Member of The houſe Moving for Leave to bring in a Petition of The Several Clerks That have attended at this Meeting of the Aſſembly; Leave is Accordingly given him and The Said Petition was read praying That They May be Allowed Their Reſpective Sallarys in Money—and Thereupon

Reſolved

Reſolved That There be paid Out of the Publick Monys in Mr *Treaſurers* hands unto Mr *William Robertſon* Clerk of the Generall Aſſembly The Sume of Twenty pounds in part of Sattisfaction for his Attendance at This preſent Meeting of the Generll Aſſembly.

Reſolved That There be paid out of The Publick Moneys in Mr *Treaſurers* hands unto *William Randolph* Clerk to The houſe of Burgeſſes The Sume of fourty pounds in part Sattisfaction for his Attendance at This preſent Meeting of The Generall Aſſembly.

Reſolved That There be paid out of the publick Moneys in Mr *Treaſurers* hands unto Mr *Miles Cary* Clerk to ye Comittee for publick Claims The Sume of Sixteen pounds in part of Sattisfaction for his Attendance at This preſent Meeting of the Generall Aſſembly

Reſolved That There be paid out of The publick Monys in Mr *Treaſurers* hands unto Mr *Orlando Jones* Clerk to The Comittee for propoſitions and Grievances The Sum of Sixteen pounds in part of Sattisfaction for his Attendance at This preſent Meeting of The Generall Aſſembly

Reſolved That There be paid out of the publick Moneys in Mr *Treaſurers* hands unto Mr *William Ballard* Meſſinger to The houſe of Burgeſſes The Sume of Six pounds in part of Sattisfaction for his Attendance at this preſent Meeting of The Generall Aſſembly

Reſolved That There be paid out of the publick Moneys in Mr *Treaſurers* hands unto *Anthony Evans* Doorkeeper to the houſe of Burgeſſes the Sum of Six pounds in full Sattisfaction for his Attendance at This preſent Meeting of the Generall Aſſembly.

Reſolved That There be paid out of the publick Moneys in Mr *Treaſurers* hands unto *John Remington* Doorkeeper to the houſe of Burgeſſes the Sum of Six pounds in full Sattisfaction for his Attendance at this preſent Meeting of the Generall Aſſembly.

Reſolved That There be paid out of the publick Moneys in Mr *Treaſurers* hands unto *Richard Morris* Doorkeeper to the houſe of Burgeſſes The Sume of Six pounds in full Sattisfaction for his Attendance at This preſent Meeting of The Generall Aſſembly.

Reſolved That There be paid out of the Publick Moneys in Mr *Treaſurers* hands unto *Robert Armtly* Doorkeeper to the houſe of Burgeſſes The Sume of Six Pounds in full Sattisfaction for his Attendance at This preſent Meeting of The Generall Aſſembly.

Reſolved That There be paid out of the publick Monys in Mr *Treaſurers* hands unto *Charles Cox* Doorkeeper to The Council The Sume of four pounds In part of Sattisfaction for his Attendance at This preſent Meeting of The Generall Aſſembly

Mr *Treaſurers* Generall Account dated 1705 (by Which The Ballance to be Accounted for to The Generall Aſſembly is Twelve hundred an five pounds fifteen Shillings & four pence farthing) was Read & Duplicates Thereof being Sworn to before his Excly in Council were agreed unto and paſſed The houſe

The houſe Reſolved it Self into a Comittee of The Whole houſe upon The Bill Intituled *An Act Concerning The Militia* and after Some Time Spent Therein Mr *Speaker* Reſumed the Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had gone Through The Bill and agreed upon Severall amendments to be Made Therein Which he Read in his place and Then Delivered in at The Table Where The Same being Again Read were agreed unto by the houſe with an Amendment.

Ordered That The Said Amendments be made in The bill, and That The Said bill, be Read a Second Time

Ordered That The Calling over The houſe be Referred Till to Morrow Morning

Ordered That Mr *Robert Beverley*, Mr *Epes*, Mr *Moſely* and Mr *Wafhbourn* Carry to The Council Mr *Treaſurers* accounts and Copys of the Reſolves Relateing to The Allowances Made The Severall Officers Attending on This Meeting of The Aſſembly and Deſire Their honours Concurrence Thereto

The houſe Reſolved it Self into a Comittee of ye whole houſe upon The Bill Intituled *An Act Concerning Servants and Slaves* and after Some Time Spent Therein Mr *Speaker* Reſumed

Refumed The Chair and Mr *Peter Beverley* Reported from The Said Comittee That They had made Some progrefs in The Bill and had Directed him to Move That They may have Leave to Sit again

Refolved That The houfe will again Refolve it Self into a Comittee of The Whole houfe upon The Said Bill

A Meffage from The Council by Mr *Robertfon* That The Council have paffed Mr *Treafurers* Accounts & agreed to The Refolves Relateing to The Allowances Made the Severall Officers Attending on This Meeting of the Affembly.

And Then The houfe adjourned Till to Morrow Morning Ten a Clocke

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Thurfday November The 29th 1705

RESOLVED That his Excly The Governor or The Governor or Comander in Chief of This Dominion for The Time being Shall have full power and Authority Till The next Seffion of Affembly by and with The advice and Confent of her Majeftys honourable Council of State on any Infurrection Incurfion or Invafion to Levy Suitable and Competent forces for The Defence of This Dominion and to Difband The Same again as The Occafion (for which They Shall be Raifed) Ceafes

Refolved That Whatever forces Shall be Levyed by virtue of & purfuant to The foregoing Refolve Shall be paid by the publick at The next Seffion of The Generall Affembly.

Ordered That Mr *Robert Beverley*, Mr *Hill*, Mr *Harrifon* Mr *Barber*, Mr *Bland*, Mr *William Armiftead* Mr *Bird* and Mr *Thomas Weft* Carry to the Council Copys of The Said Refolves Together with an order of ye houfe for payment of Six Pounds Seventeen Shillings and Six Pence unto *William Byrd* Efqr and Defire Their honours Concurrence Thereto

Mr *Miles Cary* from The Comittee Appointed to Confider What further Directions are Neceffary to be given Concerning The finifhing The Capitol and other publick Buildings Reported That The Said Comittee had Come to Several Refolutions Which he Read in his place and Then Delivered Them in at The Table Where The Same being again Read and agreed unto by the houfe.

Refolved That it is not Convenient at This Time to make any alterations in The Capitol

Refolved That Mr *Henry Cary* the overfeer of the Building of the Capitol and the Several workmen Employed about the Same be on Wednefday next Difcharged

Refolved That The Two houfes and all goods & Materials now in the poffeffion of Mr *Henry Cary* Belonging to The Country Remain as They now are Undifpofed off, Except The Three Negro Slaves Which The Said *Cary* is to be poffefs'd off According to a Refolve of the Affembly at The Laft Seffion

Refolved That The four Mafter Keys to The Locks of The Capitol in the hands of Mr *Henry Cary* Mr *William Robertfon* and Mr *Charles Chifwell* be Called in & Deftroyed.

A Meffage from The Council by Mr *Robertfon*, That The Council have agreed to The Refolves for Defence of the Country Together with the order for payment of Six pounds Seventeen Shillings and Six pence unto *William Byrd* Efqr

Ordered That Mr *Miles Cary*, Mr *Robert Beverley* Mr *Hill* & Mr *Francis Meriwether* Carry Copys of The Three Laft Refolves Relateing to The Capitol to ye Council and defire Their honours affent Thereto

Ordered That the calling over The houfe be referred till to morrow

A written meffage from The Council by Mr *Robertfon*

Mr *Speaker*

The Council have agreed to Your Refolves concerning the Capitol with an amendment and Think it further neceffary That Some perfon be appointed To Take care of The

The Countrys houſes and materials left Therein untill further directions be given at The next meeting of the Aſſembly

Reſolved That The houſe doth agree To The amendment propoſed by The Council To The reſolves concerning The Capitol in Theſe words at The end of The Second Line after The word [diſcharged] add untill The next meeting of The Aſſembly.

Ordered That *John Redwood* Take care of The countrys houſes and materials left Therein untill further directions be given at The next meeting of The Aſſembly—

Ordered That The Meſſinger go to Mr *Henry Cary*, Mr *William Robertſon*, and Mr *Charles Chiſwell*, and acquaint Them That This houſe Expects They will deliver unto him The four maſter Keys To The Locks of The Capitol which are in Their poſſeſſion: and after Some Time—

The Meſſinger brought into The houſe Three of The Said Keys and acquainted The houſe That he had received Two of Them from Mr *Henry Cary* and The other from Mr *Henry Lightfoot*, and That Mr *Chiſwell* declared he had never had either of The Said Keys in his poſſeſſion.

Ordered That The meſſinger Taken [take] from Mr *William Robertſon* The maſter Key which is in his poſſeſſion and attend with The Same To morrow at The firſt meeting of the houſe—

And Then The houſe adjourned Till to Morrow morning eight a Clocke

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Fryday November The 30th 1705

MR. *Speaker* acquainted The houſe That The four maſter Keys To The locks of The Capitol were broke in his and Several other Members preſence.

Ordered That The Calling over The houſe be referred Till The next meeting of The Aſſembly.

Then The houſe (according To leave given Them by his Excēlly on *Saturday* Laſt) adjourned Themſelves Till The Twenty fourth day of *Aprill* next Ten a Clocke.

Wednesday April ye 24th 1706

A BILL prepared by the Com^tee^ for Reviſall of ye Laws, intituled *an Act for ye better ſecuring the liberty of the Subject*, was read the firſt time, and committed to a Comittee of ye whole houſe.

The Certificate of *Phillip Ludwell* and *William Baſſet* Eſq^rs^ two of her Mãtys hoñble Councill was read, wherein they certified that by vertue of a commiſſion to them directed by his Excellency, they had adminiſtred the Oathes appointed by Act of Parliament to be taken inſtead of ye Oathes of Allegiance and Supremacy. ye Oath mentioned in an Act entituled *an act declaring ye alterations in ye Oath appointed to be taken by ye Act Entituled an act for ye farther ſecurity of his Mãtys perſon, and y^e^ ſucceſſion of ye crowne in ye proteſtant Line, and for extinguiſhing ye hopes of ye pretended Prince of* Wales, *and all other pretenders, and their open & ſecret Abettors, and for declaring ye aſſoſiation to be determined* together with the teſt and oath of a Burgeſs unto *Thomas Ballard* Gentleman

And Then The houſe adjourned till to morrow morning ten a Clock

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Thurſday April ye 25th 1706

ORDERED That all Comittees be revived

A Letter from Mr *James Taylor* a member of this houſe deſiring to be excuſed from his Attendance on ye Service of ye houſe till *munday* next was read, and thereupon he is accordingly excuſed.

The houſe reſolv'd itſelf into a Com^tee^ of ye whole houſe upon ye bill Entituled *an Act for regulating Ordinaries, and reſtraint of tipling houſes*, and after ſome time ſpent therein Mr *Speaker* reſumed ye Chair, and Mr *Randolph* reported from y^e^ ſaid Comittee that they had gone through the bill, and agreed upon ſeveral amendments to be made therein, which he read in his place, and then delivered in at the table, where y^e^ ſame being again read were agreed unto by the houſe with amendments.

Ordered That the ſaid amendments be made in ye Bill, and y^t^ y^e^ ſaid bill be read a Second time.

Then a motion being made, and the Queſtion being put, that the houſe do adjourn till to morrow morning nine a Clock

Reſolved in ye affirmative

And accordingly ye houſe adjourned till to morrow morning nine a Clock

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Fryday April ye 26th 1706

A MEMBER of ye houſe moving for leave to bring in a petition of *Nicholas Humphrey* Commander of ye Ship *Hartwell* of *London*, leave is accordingly given him, and y^e^ ſaid petition being read, praying that he may be allowed for bringing over in y^e^ ſaid ſhip twenty tonn of paving ſtones for ye uſe of ye Capitol.

Ordered That the Conſideration of the ſaid petition be referred to the Comittee for publiq Claimes to report their Opinions therein

The houſe reſolv'd itſelf into a Comittee of ye whole houſe upon ye bill Entituled *an Act concerning Servants and Slaves*, and after ſome time ſpent therein Mr *Speaker* reſum'd ye Chair and Mr *Peter Beverly* reported from the ſaid Comittee that they had made ſome progreſs in the bill, and had directed him to move that they may have Leave to ſit againe

Reſolved

Reſolved That ye houſe will again reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill

A meſſage from his Exc̄y by Mr *Robertſon*

*M^r^* Speaker *and Gentlemen of the Houſe of Burgeſſes*

His Exc̄y com̄ands yor immediate attendance on him in ye Councill Chamber, and accordingly ye houſe went to attend his Exc̄y, and being returned Mr *Speaker* reported, that his Exc̄y was pleaſed to make a speech, and to prevent miſtakes he had procured a Coppy thereof, which he read, and is as followeth *Viz^t^*

Gentlemen

The cauſes which obſtructed yor proceeding upon ye buſineſs before you at yor laſt meeting being removed, I hope, You are now met together with unanimous reſolutions heartily to go through, what I then ſo earneſtly recommended to you.

I am Sorry I have Occaſion to take notice to you my Endeavours for reconciling differences, and promoting peace and amity in yor Countrey have not had ſo good an Effect, as I heartily wiſhed. I hope ye misfortune of ſome of our fellow ſubjects in the *Leeward* Iſlands (of which I have been lately informed) will make you all too ſenſible to neglect paſſing ſome good Law for ye Effectually ſetling ye Militia, ſo as to render it moſt for ye Service of o^r^ moſt Gracious Queen, and ye protection of yor Lives and Eſtates

Gentlemen

Let the Occaſion of o^r^ late thankſgiving be a conſtant remembrance to you what wonderfull Bleſſings attend people united in heart and intereſt, and Let every man here be ſtirred up with an Emulation of following the unparraleld example of ye agreement of ye great Councill of y^e^ *Engliſh* Nation

Gentlemen of ye houſe of Burgeſſes

I muſt acquaint you ſince yor Laſt meeting I have received her Mātys com̄ands (which ſhall be Laid before you) to repreſent to you in ye moſt preſſing manner the neceſſity of building a houſe for yor Governour, by Laying Levies for that purpoſe without farther delay, as tending to ye honour and publiq Service of this Colony & dominion. I think Gentlemen after this there is no Occaſion for argument to induce you to do what will be ſo agreeable to yor Queen, and will believe, from the progreſs you have made in that affair, upon w^t^ I ſd to you at yor firſt meeting, you will ſhew a ready compliance, and proceed therein

Reſolv'd That this houſe will on *Tueſday* next take into conſideracon his Exc̄ys ſaid ſpeech

A meſſage from his Exc̄y by Mr *Robertſon*

*M^r^* Speaker *and Gentlemen of the houſe of Burgeſſes.*

I am comanded by his Exc̄y to deliver to this houſe her Mātys Letter recommending ye building a houſe for ye Governour which was referr'd to in his Exc̄ys ſpeech made to the houſe this day.

Reſolv'd That y^e^ ſd Letter be taken into Conſideracon on *Tueſday* next, when his Exc̄ys Speech is conſidered

Then ye houſe reſolv'd it ſelf into a Comittee of the whole houſe upon ye bill Entituled *an act concerning Servants and Slaves*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the chair, and Mr *Peter Beverly* reported from the ſaid Comitee, y^t^ they had gone through ye bill and agreed upon ſeveral amendments to be made therein, which he read in his place, and then delivered in at the table, where the ſame being again read.

Ordered That y^e^ ſaid amendments be taken into conſideracon to morrow morning.

And then the Houſe adjourn'd till to morrow morning nine a Clock

Saturday

Saturday April ye 27th 1706

THE houſe (according to order) proceeded to take into conſideracon the amendments agreed on by ye Comitee of the whole houſe to ye bill Entituled *an Act concerning Servants and Slaves*, and y^e^ ſame being read, were with ſome amendments agreed unto by ye houſe.

Ordered That y^e^ ſaid amendments be made in ye Bill, and y^t^ y^e^ ſaid Bill be read a ſecond time

The houſe reſolved itſelf into a Comitee of ye whole houſe upon ye bill, Entituled *an Act directing ye duty of Surveyors of Land & aſcertaining their fees*, and after ſome time ſpent therein, Mr *Speaker* reſumed the chair, and Mr *Peter Beverly* reported from the ſaid Committee, y^t^ they had made ſome progreſs in ye bill, and directed him to move, that they may have Leave to ſit againe.

Reſolv'd That ye Houſe will againe reſolve it ſelf into a Comitee of ye whole houſe upon y^e^ ſd Bill.

Then ye houſe reſolv'd it ſelf into a Comitee of ye whole houſe upon the bill Entituled *an Act for Encouragement of building grift and fulling mills*, and after ſome time ſpent therein, Mr *Speaker* reſum'd ye chair, and Mr *Peter Beverly* reported from y^e^ ſ^d^ Comitee, y^t^ they had gone through ye bill and agreed upon Several amendments to be made therein, which they had directed him to report, when ye houſe will pleaſe to receive the ſame.

Ordered That y^e^ ſaid report be made on *munday* morning

The houſe (according to order) was called over, and ye abſence of thoſe members, y^t^ did not appear excuſed.

M^r^ *Maſon* of *Stafford* moving for Leave to go to his houſe in the Countrey upon Extraordinary occaſions—Leave is accordingly given him.

And then the houſe adjourned till *Munday* Morning ten a Clock

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Munday April ye 29th 1706

A MEMBER of ye houſe moving for Leave to bring in ſeveral claims from ye County of *Northumberland*—Leave is accordingly given him

A member of ye houſe moving for Leave to bring in ſeveral claims from ye County of *Eſſex*. Leave is accordingly given him.

Ordered That the Conſideracon of y^e^ ſaid Claimes be referr'd to the Commitee for publiq claims to examine the Subject matter thereof and report the ſame with their Opinions therein to ye houſe.

Mr *Peter Beverly* (according to order) reported from ye Comitee of the whole houſe, the amendments agreed on by y^e^ ſaid Comitee to the bill Entituled *an Act for Encouragement of building grift and fulling mills*, which he read in his place, and then delivered in at ye table, where the ſame being again read were agreed unto by the houſe.

Ordered That the ſaid amendments be made in the bill and that the ſaid bill be read a ſecond time.

The houſe reſolv'd it ſelf into a Comitee of ye whole houſe upon the bill Entituled *an Act concerning waiſts and ſtrayes*, and after ſome time ſpent therein Mr *Speaker* reſum'd ye Chair, and Mr *Peter Beverly* reported from y^e^ ſd Comitee, y^t^ they had gone through ye Bill, and agreed upon ſeveral amendments to be made therein, which he read in his place and then delivered in at the table, where the ſame being again read were agreed unto by ye houſe.

Ordered That the ſaid amendments be made in the bill, and that the ſaid bill be read a ſecond time.

The houſe reſolv'd it ſelf into a Comitee of the whole houſe upon the bill Entituled *an Act concerning tythables*, and after ſome time ſpent therein. Mr *Speaker* reſum'd the chair, and Mr *Peter Beverly* reported from y^e^ ſaid Comitee y^t^ they had gone through

y^e^

ye Bill, and agreed upon ſeveral amendments to be made therein which he read in his place, and then delivered in at the table, where y^e ſame were again read, & agreed unto by the houſe.

Ordered That y^e ſaid amendments be made in ye bill, and y^t y^e ſaid bill be read a ſecond time

A Letter from Mr *Nathanael Harriſon* a member of this houſe ſetting forth his reaſons, why he doth not attend ye Service of ye houſe was read.

A Letter from Mr *Nathanael Weſt* a Member of this houſe ſetting forth his reaſons, why he doth not attend ye Service of ye houſe was read

The houſe (according to order was call'd over, & ye abſence of thoſe members, that did not appear, Excuſed

The houſe reſolv'd it ſelf into a Comitee of ye whole houſe upon the bill, Entituled *an Act for prevention of miſunderſtandings between the tributary Indians, and other her Mātys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever*, and after ſome time ſpent therein Mr *Speaker* reſum'd ye chair, and Mr *Peter Beverly* reported from y^e ſaid Comitee, that they had made ſome progreſs in ye bill, & directed him to move, that they may have leave to ſet againe

Reſolv'd That ye houſe will on *wedneſday* next, reſolve it ſelf into a Comitee of ye whole houſe to conſider farther of y^e ſaid bill.

And then ye houſe adjourned till to morrow morning nine a Clock

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Tueſday April ye 30th 1706.

A MEMBER of ye houſe moving for Leave to bring in a petition of Mr *Francis Mokenny* Leave is accordingly given him, and y^e ſame being read, praying that he may be admitted to Lay before this houſe, a propoſition for encouragement of a Salt work for ſupplying *Virginia* with Salt, Leave is given him according to ye prayer of his ſaid petition, and the ſaid propoſition being preſented to ye houſe was read.

Ordered That ye Conſideracōn of y^e ſame be referr'd to ye Comitee of propoſitions and Grievances to report their opinions therein

A member of the houſe moving for Leave to bring in a petition of *William Randolph* Junr Leave is accordingly given him, and the ſame being read, ſetting forth, that ſince the laſt meeting of this Aſſembly he hath in obedience to his Exc̄ys comands delivered him four Coppies of ye Journal of that meeting, and therefore prayes his uſual allowance for y^e ſame, as alſo that he may be allowed for tranſcribing a degree in Chancery with the ſequeſtration thereon, purſuant to ye directions of ye Comitee appointed to enquire into the practice and behaviour of ye Attorney general.

Ordered That ye Conſideration of the ſaid petition be referr'd to ye Comitee for publiq claimes to report their Opinions therein

A member of ye houſe moving for Leave to bring in ſeveral claimes from ye County of *Warwick* Leave is accordingly given him, and

Ordered That ye Conſideration of y^e ſaid Claimes be referr'd to ye Comitee for publiq claimes to examine y^e ſubject matter thereof, and report the ſame with their Opinions therein to ye houſe

A member of ye houſe moving for Leave to bring in a grievance from *Richmond* County, Leave is accordingly given him, and y^e ſaid Grievance being read

Ordered That ye Conſideration thereof be referr'd to the Comitee of Propoſitions and Grievances to report their opinions therein

Mr *Speaker* acquainted the houſe, y^t his Exc̄y has been pleaſed to give him the Acc^tt of her Mātys revenue of two ſhillings p^r hogſhead, y^t y^e ſame might (according to ye deſire of this houſe) be Laid before them, and ye title thereof being read

Ordered That y^e ſaid Account do Lie upon ye table to be peruſed by ye members of ye houſe

The

The Petition of *Peter Paſquier* being referr'd from ye Councill to ye Conſideration of this houſe was read, praying to be naturalized and thereupon

Reſolved That his Exĉy the Governour is already ſufficiently impowered by Law to naturalize y^e^ ſaid *Peter Paſquier* upon his taking ye Oathes to her Mãty, as by Law is enjoin'd in ſuch caſes.

Ordered That Mr *Robert Beverly*, Mr *Bland*, M^r^ *McCarty*, and Mr *Eskridge* do carry a coppy of y^e^ ſd reſolve to ye Councill, and that they return the ſaid *Paſquiers* petition therewith.

The orders of ye day for ye houſe to take into conſideracõn his Exĉys ſpeech together, with her Mãtys Letter recoñending ye building a houſe for ye Governour, being read.

Reſolved That this houſe will reſolve it ſelf into a Comittee of ye whole houſe to take y^e^ ſaid Speech and Letter into conſideration

Ordered That it be an inſtruction to y^e^ ſaid Comittee to have due conſideration to all the former proceedings of this houſe on any matter contain'd in y^e^ ſaid ſpeech.

Then ye houſe reſolv'd it ſelf into y^e^ ſaid Comittee, and after ſome time ſpent therein Mr *Speaker* reſum'd ye Chair, and Mr *Robert Beverly* reported from the ſaid Comittee that they had come to ſeveral reſolutions, which he read in his place, and then delivered in at the table, where the ſame were againe read, and agreed unto by the houſe, and are as follow *Viz^t^*

Reſolved That a duty of twenty ſhillings per head be Laid upon Negroes imported towards defraying ye Charge of building an houſe for ye Governour

Reſolved That the duty of four pence per gallon be Laid on all rum and wine and one penny per gallon upon Beer and Cyder imported from all places except *England*

Reſolved That two pence additional duty be laid on all rum imported from any other place than ye Iſlands of y^e^ *Weſt Indies* directly

Reſolved That *Virginia* Owners be exempted from all but two pence per gallon for rum imported in their Veſſells provided it be brought directly from the Iſlands in y^e^ *Weſt Indies.*

Reſolved That the foregoing duties be continued for two yeares

Reſolved That three thouſand pounds *Stẽrr^ll^* be appropriated to the building a houſe for ye Governour, & ye conveniencies incident thereunto.

Reſolved That a Bill be prepared for building ye Governour a Houſe according to the Subject matter of the ſaid reſolves, and for appropriating ſo much of the two ſhillings per hogſhead, as ſhall be neceſſary for keeping y^e^ ſaid houſe in repair, after it ſhall be built.

Ordered That Mr *Robert Beverly*, Mr *Miles Cary*, Mr *Tayloe*, Mr *Hill*, Mr *Harriſon*, Mr *Waters*, M^r^ *McCarty*, Mr *Bland*, Mr *William Armſtead*, Mr *Edwards*, M^r^ *Cuſtis*, and Mr *Ball* do wait upon his Exĉy and acquaint him with the proceedings of this houſe towards ye building a houſe for the Governour, and deſire that he will be pleas'd to cauſe a draft of ſuch a Houſe as by him ſhall be thought moſt convenient to be Laid before this houſe

And then the Houſe adjourned till to morrow morning nine a Clock.

Wedneſday May ye firſt 1706

THE houſe (according to order) reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an Act for prevention of miſunderſtandings between the Tributary Indians, and other her Mãtys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever*, and after ſome time ſpent therein Mr *Speaker* reſum'd ye Chair, and Mr *Peter Beverly* reported from the ſaid Comitee, that, they had gone through the Bill, and agreed upon ſeveral amendments to be made therein, which he read in his place and then delivered in at the table, where the ſame being again read.

Ordered

Ordered That the ſaid amendments be taken into conſideration on *Fryday* next.

The houſe reſolved it ſelf into a Comittee of ye whole houſe upon ye bill Intituled *an Act for making, clearing and repairing ye high ways and for clearing the rivers and Creeks*, and after ſome time ſpent therein, Mr *Speaker* reſum'd ye Chair and Mr *Peter Beverly* reported from the ſaid Comittee, that they had made ſome progreſs in the bill, and directed him to move that they may have Leave to ſit againe

Reſolved That ye houſe will to morrow morning reſolve it ſelf into a Comittee of ye whole houſe to conſider farther of the ſaid bill

Mr *Robert Beverley* reported y^t^ ye perſons appointed, had (according to order) waited on his Exc̃y, and acquainted him with the proceedings of this houſe towards ye building a houſe for ye Governour and deſired y^t^ he would be pleaſed to cauſe a draught of ſuch a houſe as by him ſhould be thought, moſt convenient, to be Laid before this houſe, and that thereupon his Exc̃y, was pleaſed to ſay he would ſend an anſwer by a Meſſenger of his own.

A written meſſage from his Exc̃y by Mr *Robertſon*, was read as followeth

Gentlemen

Yo^r^ hearty and ready compliance with what her Mãty commanded me to recommend to you in relation to ye building a houſe for yor Governour, is ſuch a teſtimony of yor Loyalty and duty to ſo Gracious a Queen, as will undoubtedly be very acceptable to her Mãty, & 'tis ſo particular a Satisfaction to me, that I muſt not omit returning you thanks for it. I have conſidered Yo^r^ meſſage, whereby you deſire me to ſend you a draught of ſuch a houſe, as I ſhall think convenient, but Gentlemen, I Leave it wholy to you to give ſuch directions therein, as You think proper, for I cannot have any doubt, but Yo^r^ farther proceedings in this matter will be anſwerable to ſo good a beginning, for the Service of her Mãty, and the honour of Yo^r^ Countrey

Edw. Nott

Ordered That it be referr'd to ye Com^tee^ of propoſitions and Grievances to prepare and bring in a bill for building the Governour a houſe according to the reſolves of the houſe made yeſterday on that matter

Ordered That ye Comittee for publiq claimes do inſpect all ye acts of Aſſembly made ſince ye year 1699 and report to the houſe wch part of them are neceſſary to be continued altered or amended in ye reviſal of the whole body of the Laws

A Member of the houſe moving for Leave to bring in ſeveral claims from ye County of *Accomack*, Leave is accordingly given him, and

Ordered That the conſideration of the ſaid Claimes be referr'd to the Comitee for publiq Claimes to Examine ye Subject matter thereof and report the ſame wth their Opinions therein to the houſe.

A motion was made, and ye Queſtion put y^t^ ye houſe do adjourn

Reſolved in ye affirmative

And then ye houſe adjourn'd till to morrow morning nine a Clock

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Thurſday May ye Second 1706

THE houſe (according to order) reſolv'd it ſelf into a Comittee of ye whole houſe upon the bill, Entituled *an Act for making, clearing and repairing the high wayes, and for clearing the rivers & Creeks*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, and Mr *Peter Beverly* reported from y^e^ ſd Comittee that they had gone thrô the bill, and agreed upon ſeveral amendments, to be made therein, which he read in his place, and then delivered in at ye table, where the ſame being again read

Ordered That y^e^ ſaid amendments be taken into conſideration to morrow morning

Mr *Peter Beverly* reported y^t^ ye Comittee of propoſitions and Grievances to whome it was referr'd to prepare, and bring in a bill for ſetling & aſcertaining ye currant rates

of

of forreign coines in this dominion, had prepar'd ye fd bill, which he prefented to ye houfe, & the fame was receiv'd.

A Member of ye houfe moving for Leave to bring in feveral claims from *York* County, Leave is accordingly given him.

Ordered That the Confideration of the faid Claimes be referr'd to ye Comittee for publiq Claimes to examine the fubject matter thereof, and report the fame with their opinions therein to ye houfe

And then the houfe adjourn'd till to morrow morning nine a Clock

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Fryday May ye third 1706

A BILL entituled *an Act for fetling and afcertaining the currant rates of forreign coines in this dominion* was read the firft time

Ordered That the faid bill be read a fecond time.

The houfe according to order proceeded to take into confideration the amendments agreed on by the Committee of the whole houfe to the bill Intituled *an Act for making clearing and repairing the high wayes, and for clearing the rivers and creeks*, and the fame being read were agreed to by the houfe.

Ordered That ye faid amendments be made in ye bill and that ye faid Bill be read a fecond time.

Ordered That ye amendments to ye bill Entituled *an Act for prevention of mifunderftandings between the tributary Indians, and other her Mãtys Subjects of this Colony and Dominion, and for a free and open trade with all Indians whatfoever* be taken into confideracõn on *Wednefday* next.

Mr *Thomas Weft*, Mr *Leifter*, Mr *Harry Beverley*, Mr *Bridger*, and Mr *Bland* feverally moved for Leave to go into the Countrey, upon extraordinary occafions, and Leave is accordingly given them.

Ordered That they attend the Service of the houfe again on *Tuefday* next

Mr *Chriftopher Robinfon* moving for Leave to go into the Countrey upon extraordinary occafions, Leave is accordingly given him.

Ordered That he attend the Service of the houfe again on *Wednefday* next.

A bill Entituled *an Act for fetling ye militia* was read ye fecond time, and after a debate, the Queftion being put, that the bill be committed,

It paft in the Negative—and thereupon

Ordered That ye faid bill be engroffed

A Bill entituled *an Act concerning Tythables* was read ye fecond time.

Ordered That ye faid Bill be engroffed.

Mr *Randolph* moving for Leave to go into the Countrey, for recovery of his health, Leave is accordingly given him.

Ordered That all Comittees be revived

And then the houfe adjourned till to morrow morning nine a Clock.

Saturday May the fourth 1706

THE petition of *John Redwood* praying an allowance of his annual Sallary as Goal keeper

The Petition of the faid *Redwood* praying to be allowed one pound four fhillings for entertaining twelve Indians two dayes—And

The Petition of Mr *Arthur Allen* praying to be allowed for furveying. Laying out, and bounding the *Notoway* Indians Lands on the South fide the *Notoway* river, being referred from ye Councill, to the confideracõn of this houfe, were feverally read, and

Mr *Henry Cary*'s Account for charges about the Capitol being likewife referr'd from the Councill to the confideracõn of this houfe, the title thereof was read

Ordered

Ordered That the Conſideration of the ſaid Petitions & Account be referr'd to the Comittee for publiq Claimes to report their opinions therein.

Several Grievances from the Counties of *King* and *Queen*, and *Princeſs Anne* being referr'd from the Councill, to the conſideration of this houſe were read

Ordered That ye Conſideration of the ſaid Grievances be referr'd to the Comittee of propoſitions and Grievances to report their opinions therein

A Propoſition from *King* and *Queen* County being referr'd from the Councill to the conſideration of this houſe was read, and the ſame being already provided for is therefore rejected

A member of the houſe moving for leave to bring in ſeveral claimes from *Richmond* County, Leave is accordingly given him—and

Ordered That ye Conſideration of the ſaid Claimes be referr'd to the Comittee for publiq Claimes to examine the ſubject matter thereof, and report the ſame with their Opinions therein, to the houſe.

Mr *Peter Beverly* from the Comittee of propoſitions and Grievances to whome it was referr'd to prepare and bring in a Bill, to oblige Maſters of Ships, and other veſſells arriving in any port within this Colony to take care y^t^ ſuch perſons, as dye on board their Shipps and Veſſell be carried a ſhore and buried, reported, that y^e^ ſaid Comittee having conſidered that matter, were of opinion, y^t^ proviſion might more conveniently be made therein by a Clauſe to be added to anóther bill, than by a particular bill for that purpoſe, and that they had accordingly agreed upon a Clauſe to be added to the bill, Entituled *an act for preventing frauds in ye Cuſtomes, and in Clearing of Ships for aſcertaining Collectors and Naval Officers fees, and to prohibit ye caſting of ballaſt into Rivers & Creeks* which clauſe he read in his place, and then delivered in at the table where y^e^ ſame being again read

Ordered That it bee an inſtruction to the Comittee of the whole houſe to take the ſaid Clauſe into conſideration, when the Bill Entituled *an Act for preventing frauds in ye Cuſtomes, and in clearing of ſhips for aſcertaining Collectors and Naval Officers fees, and to prohibit the caſting of ballaſt into rivers and creeks* is farther conſidered by y^e^ ſaid Comittee

Mr *Robert Beverly* from ye Comittee appointed to enquire into ye practice and behaviour of the Attorney general reported the proceedings of the ſaid Comittee, which he read in his place, and then delivered in at the table, where the ſame being againe read, after a debate, the Queſtion was put.

That a certain time be appointed for taking into conſideration the report of the ſaid Comittee.

Reſolved in the affirmative—And thereupon

Ordered That y^e^ ſaid report be taken into conſideracon on *thurſday* next.

Ordered That Mr *Robt. Beverley*, Mr *Francis Merriwether*, M^r^ *Waſhbourn* Mr *Edwards*, & M^r^ *McCarty* do prepare and bring in a bill for ſetling Officers fees

Ordered That the Comitee of Propoſitions and Grievances do prepare and bring in a Bill upon the reſolves of the houſe for Laying impoſitions on Negroes and Liquors.

Ordered That it be an inſtruction to the ſaid Comitee to aſcertain the number of gallons, the pipes and other caſq^s^ of Wine imported directly from the Iſlands, where they are made Shall be entred at.

Ordered That it be Likewiſe an inſtruction to the ſaid Comittee to make an abatement of ten per Cent in the ſaid duties that ſhall be paid by any perſon in ready money of his own importation.

Mr *Gaddis* moving for Leave to be abſent from the ſervice of ye houſe on *munday* next, Leave is accordingly given him

The houſe (according to order) was called over, and ye abſence of thoſe members, that did not appear excuſed

And then the houſe adjourn'd till *Munday* Morning ten a Clock.

Munday

Munday May the ſixth 1706

MR. *McCarty* moving for leave to go into the Country upon extraordinary occaſions Leave is accordingly given him.

A Bill entituled *An Act for Encouragement of building water mills* was read the ſecond time and recommitted

A Bill Entituled *an Act for the ſpeedy and eaſie proſecution of Slaves committing Capitol Crimes* was read ye Second time, and ſome amendments being made therein, and twice read.

Ordered That the ſaid bill, with ye amendments, be engroſſed.

A Bill, entituled *an Act for regulating ordinaries, & reſtraint of tipling houſes* was read y^e^ ſecond time, and an amendment being made therein

Ordered That y^e^ ſaid Bill with the amendment be engroſſed

A Bill entituled *an act concerning waiſts & ſtrayes* was read the ſecond time

Ordered That the ſaid Bill be engroſſed

The houſe according to order was call'd over, & ye abſence of thoſe members, that did not appear excuſed.

The houſe reſolv'd it ſelf into a Comittee of ye whole houſe upon the bill Entituled *an Act concerning marriages*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, and Mr *Peter Beverly* reported from the ſaid Comitee y^t^ they had gone thrô the bill, and agreed upon ſeveral amendments to be made therein, which he read in his place, and then delivered in at the table, where the ſame being againe read, were agreed unto by the houſe with an amendment

Ordered That y^e^ ſaid amendments be made in the bill and that the ſaid bill be read a ſecond time.

And then the Houſe adjourned till to morrow morning nine a Clock

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Tueſday May the ſeventh 1706

A BILL Entituled *an Act for making, clearing and repairing the high wayes, and for clearing the rivers and Creekes* was read the ſecond time

Ordered That y^e^ ſaid Bill be engroſſed

A Bill Entituled *an Act concerning Servants & Slaves* was read y^e^ ſecond time and ſome amendments being made therein, & twice read

Ordered That the ſaid bill with the amendments be engroſſed.

A Bill Entituled *an Act concerning marriages* was read y^e^ ſecond time

Ordered That y^e^ ſaid bill be engroſſed

An engroſſed bill entituled *an Act for ſetling the Militia* was read the third time

Reſolved That the Bill do paſs

An Engroſſed bill Entituled *an act concerning Tythables* was read the third time

Reſolved That the bill do paſs

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the Bill Entituled *an act concerning the granting ſeating & planting and for ſetling the titles and bounds of Lands, and for preventing unlawfull ſhooting and Ranging thereupon*, and after ſome time ſpent therein, Mr *Speaker* reſumed the chair, and Mr *Miles Cary* reported from the ſaid Comittee, that they had made ſome progreſs in the bill and directed him to move, y^t^ [they] may have Leave to ſit againe

Reſolved That the houſe will again reſolve it ſelf into a Comitee of the whole houſe upon the ſaid bill.

A written meſſage from his Exc̄y by Mr *Robertſon*

*M^r^* Speaker *and Gentlemen of the houſe of Burgeſſes.*

Capt *Thompſon* Coñander of her Mātys ſhip the *Woolwich* hath informed me of a very melancholy piece of news from the *Weſt Indies*, y^t^ the *French* with eight ſail of Men of War of ſeventy guns each, twelve frigots, and fourty Privateeres after having

Landed

Landed four thoufand men, and deftroyed the Iſland of St *Chriſtophers* (except the fort) ſailed to *Nevis*, and on ye twenty firſt of *february* Laſt made themſelves Maſters of the whole Iſland, which they have alſo deſtroyed. Thò this ſeemes to be a Remote danger, yet I cannot think You will find it unworthy Yo^{r} Conſideracõn, whether ſuch a formidable Fleet and Land force may not be reaſonably ſuppoſed to have farther deſignes, and i think, it is not at all improbable, but they may make attempts on the Continent & more particularly on this Colony, where no doubt, they are inform'd how great a fleet of Merchant ſhips are at this time. I am Sorry to find the Countrey ſo unprovided to reſiſt ſuch an Enemy, but in Caſe ſuch a misfortune ſhould befall us, I hope Gentlemen, you will conſider of the beſt meanes to defend yor Countrey, & yor trade, and that without delay, you'll proceed and give me yor advice therein

May ye 7th 1706. *Edw: Nott.*

And alſo a meſſage from ye Councill by Mr *Robertſon*, y^{t} ye Councill have agreed to ye Bill, Entituled *an act, concerning publiq Claimes without amendments*

Alſo y^{t} ye Councill have agreed to ye Bill Entituled *an Act giving a reward for Killing of Wolves* without amendments

Alſo that the Counceill have agreed to the bill Entituled *an Act for Attorneys proſecuting Suites on behalf of perſons out of the Countrey to give ſecurity for the payment of ſuch Coſts and damages, as ſhall be awarded againſt them* without amendments.

Alſo y^{t} ye Councill have agreed to ye bill, Entituled *an act to prevent killing Deer at unſeaſonable times* with ſome amendments to wch they deſire the Concurrence of this houſe

Then ye meſſage from his Exc̃y being read

Reſolved That this houſe will take the ſame into conſideracõn to morrow morning

Ordered That Mr *Peter Beverley*, Mr *Waters*, Mr *Epes*, Mr *Cary*, Mr *Fitzhugh*, Mr *William Armſtead*, M^{r} *Moſely* and Mr *John Weſt* carry ye bills, which this day paſſed the houſe to the Counceill, and deſire their Concurrence thereto.

Then the houſe reſolved it ſelf into a Comitee of ye whole houſe upon the bill Entituled *an Act concerning the granting, ſeating & planting, and for ſetling the titles and bounds of Lands, and for preventing unLawfull ſhooting and ranging thereupon*, and after ſome time ſpent therein Mr *Speaker* reſum'd the Chair, and Mr *Miles Cary* reported from the ſaid Comitee, y^{t} they had made ſome further progreſs in the bill, and directed him to move, that they may have Leave to ſet againe.

Reſolved That the houſe will againe reſolve it ſelf into a Comitee of the whole houſe upon the ſaid bill

And then the houſe adjourned till to morrow morning nine a Cloek

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Wedneſday May the 8th 1706

A MEMBER of the houſe moving for Leave to bring in a petition of Mr *Charles Chiſwell*, Leave is accordingly given him, and the ſame being read. praying to be allowed his uſual allowanee as Clerk to the general Court one year.

Ordered That ye Conſideration of the ſaid petition be referr'd to ye comittee for publiq elaimes to report their Opinions therein

The houſe according to order proceeded to take into conſideration ye meſſage from his Exc̃y yeſterday—And thereupon

Ordered That Mr *Robert Beverly*, Mr *Bland*, Mr *Fitzhugh*, and Mr *Francis Merriwether* do wait upon the Councill and deſire a Conferenee with them on the ſubject matter of the ſaid Meſſage, and they being returned, Mr *Peter Beverley* reported that they had accordingly waited on the Councill, and deſired the ſaid Conference.

Mr *Peter Beverley* from the Committee of propoſitions & Grievanees reported, that y^{e} ſaid Comittee had taken into Conſideration ſeveral of ye matters to them referr'd, and therein had agreed upon ſeveral reſoluc̃ons which he read in his place, and then delivered in at ye table, where they were again read.

A meſſage from ye Councill by Mr *Robertſon*, y^t^ the Councill have agreed to ye conference deſired by this houſe on the ſubject matter of his Exc̄ys meſſage yeſterday, and that they have appointed four of their members to manage the ſame, who are now ready in the conferrence Chamber—And thereupon

Mr *Randolph* ..... Mr *Bland*
Mr *Miles Cary* ..... Mr *Barbar*
Mr *Peter Beverley* ..... Mr *Fitzhugh*
Mr *Robert Beverley* ..... Mr *Francis Merriwether*

were appointed managers for ye houſe in the ſaid conference, and ordered to attend the Councill, and they being returned Mr *Randolph* reported the ſubject matter of y^e^ ſaid conference, and thereupon the houſe are of Opinion

That the Merchant Ships in this Countrey ſhould be directed as ſoon as poſſible to go up the ſeveral Rivers, where they Lye, as high as conveniently they can in order to their own Security.

To prevent any intelligence being given to the Enemy, y^t^ a general Embargo be Laid, and y^t^ no Ship or Veſſel be permitted to go out of the Countrey, till the fleets ſailes under Convoy

To give Notice of the approach of ye Enemy y^t^ Look outs be appointed in the ſeveral places, they were formerly ſetled, and alſo it will be very convenient, that her Mātys Ships the *Woolwich* and *Advice* ſhould cruiſe about the capes in order to give ſuch Notice. And to prevent falſe alarmes. that all Maſters of Ships be forbid firing their Guns, unleſs upon an Alarm.

That all Pilots and other perſons capable to be ſuch ſhould be in readineſs, and upon an alarm given, ſhould immediately repair on board her Mātys ſhips if they can get thither, or otherwiſe, that they come up into the Countrey, ſo as they may not fall into the Enemies hands, and y^t^ all perſons in Sloopes or who have ſloopes rigg'd, and fit for ſailing ſhall upon ſuch alarm make the beſt of their way up the rivers.

That it is neceſſary to prepare a bill for impowering ye Governour upon any inſurrection, invaſion or alarm to raiſe ſuch part of the militia, as he ſhall think fit to defend the Countrey, and for the payment of the charge thereof by the publiq.

Ordered That the Gentlemen, that managed the conference with the Councill on the ſubject matter of his Exc̄ys meſſage yeſterday, prepare a written meſſage to his Exc̄y according to the ſeveral Opinions of this houſe as an anſwer to the ſaid meſſage.

Ordered That the Comitee of Propoſitions and Grievances prepare, and bring in a Bill for impowering the Governour upon any inſurrection, invaſion or alarm to raiſe ſuch part of the Militia, as he ſhall think fit to defend the Countrey, and for payment of the charge thereof by ye publick.

Ordered That the amendments to the bill Entituled *an Act for prevention of misunderſtandings between the tributary Indians and other her Mātys Subjects of this Colony and Dominion, and for a free and open trade with all Indians whatſoever* be taken into conſideracon on *Fryday* next.

And then the houſe adjourn'd till to morrow morning nine a Clock

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Thurſday May the 9th 1706

THE Petition of *Rebecca Penkethman* Widow and Adm^x^ of *Timothy Penkethman* deceas'd being referr'd from the Councill to the Conſideration of this houſe, was read, praying Leave to prepare, and bring in a Bill to enable her to make ſale of Certain Lands for and towards the payment of her ſaid deceas'd Husbands debts

Ordered That Leave be given to bring in a bill according to the prayer of the ſaid petition, and that Mr *Robert Beverley* and Mr *Barbar* bring in the ſaid bill

Mr *Randolph* reported, y^t^ ye perſons appointed had according to order prepared a written meſſage to his Exc̄y, as an anſwer to his meſſage on *Tueſday* Laſt, which he read

in

in his place, and then delivered in at the table, where the ſame being againe read, and ſome amendments made therein was agreed unto by the houſe, and is as followeth.

By ye houſe of Burgeſſes

May it pleaſe yor Exc̄y

Having taken into our ſerious Conſideration yor Exc̄ys meſſage upon the ſorrowfull News of the deſtruction Lately made at St *Chriſtophers* and *Nevis* by a *french* fleet, and Land force, as alſo the beſt wayes and meanes o^r preſent Circumſtances will admit of for defence of the Countrey and Security of the ſhips, in caſe the Enemy ſhould happen to come hither

Wee are humbly of Opinion

That for preventing of Intelligence to the Enemy a general Embargo be Laid, and that no ſhip or Veſſel be permitted to go out of this Countrey, till the fleet ſailes under Convoy

That for diſcovering the approach of the Enemy, and giving earley notice thereof, it is very neceſſary and Convenient, Look outs to Sea ward be forthwith appointed in the ſeveral places they have been formerly ſetled, and alſo that her Mātys ſhips the *Woolwich* and *Advice* cruiſe about the capes in order to give ſuch Notice

That for preventing falſe alarmes all maſters of Ships be forbidden to fire their Guns, unleſs upon an alarm.

That for keeping Pilots, and all other perſons capable of being ſuch from falling into the hands of the Enemy, Orders be given, that upon an alarm they immediately repair on board her Mātys ſhips, or go up into the Countrey, that for the preſervation and Security of the Ships and Veſſells, directions be given to the Maſters of the Merchant Ships to carry them as ſoon as poſſible up the ſeveral Rivers, where they lye as high as conveniently they can, and that all perſons in Sloopes, or who have Sloopes rigg'd and fitted for ſailing do upon the alarm make the beſt of their way up the rivers.

And for defence of this Colony, Wee have directed a bill to be drawn by which Yo^r Exc̄y will be impowered with the advice of the hoñ^ble Councill to raiſe ſuch part of the Militia, as you ſhall think fit, and neceſſary upon any inſurrection, invaſion or alarm, who are to be paid by the publiq, ſo y^t if any ſuch misfortune ſhould happen, (which God forbid) Wee confide in Yo^r Exc̄ys Wiſdom to order and direct ſuch competency of forces, as the Occaſion may require.

Ordered That y^e ſaid meſſage be fairly tranſcribed, and ſign'd by Mr *Speaker*, and y^t the perſons, who prepared the ſaid meſſage do carry the ſame to his Excellency.

The houſe reſolved it ſelf into a Comitee of the whole houſe, upon the bill Intituled *an act concerning the granting ſeating and planting and for ſetling the titles and bounds of Lands, and for preventing unLawfull ſhooting and ranging thereupon*, and after ſome time ſpent therein Mr *Speaker* reſumed the chair, and Mr *Miles Cary* reported from y^e ſaid Comitee, that they had made ſome farther progreſs in the ſaid bill, & directed him to move, y^t they may have Leave to ſet againe.

Reſolved That ye houſe will againe reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill

Ordered That the report of the Comittee appointed to enquire into the practice and behaviour of the Attorney general be taken into conſideration *munday* come ſeven-night, and y^t he have notice thereof, together wth a Coppy of y^e ſaid report, to ye End he may put in his anſwer, or attend the houſe at that time

A meſſage from the Councill by Mr *Robertſon*, y^t ye Councill have agreed to the bill Entituled *an Act to prevent the clandeſtine tranſportac̄on or carrying of perſons in debt Servants or Slaves out of this Colony* without any amendments

Alſo, that the Councill have agreed to the bill, Entituled *an Act for aſcertaining the gage of barrells for Pork, Beef, Tarr and pitch* without any amendments.

Alſo, that the Councill have agreed to ye bill Entituled *an act for ſetling the Militia* with ſome amendments to which they deſire the Concurrence of this houſe

Alſo

Alſo That the Councill have agreed to the bill Entituled *an act for regulating the Elections of Burgeſſes for ſetling their priviledges and for aſcertaining their allowances* with ſome amendments to which they deſire the concurrence of this houſe.

Alſo That the Councill have agreed to the bill, Entituled *an act for Encouragement of ye Land frontiers* with ſome amendments to which they deſire the concurrence of this houſe.

Alſo That the Councill have agreed to the bill Entituled *an act againſt ſtealing hoggs* with ſome amendments to which they deſire the concurrence of this houſe

And then the houſe adjourned till to morrow morning nine a Clock.

Fryday May the 10th 1706

MR. *Nicholas Merriwether* and Mr *Anthony Armſtead* ſeverally moving for Leave to go into the Countrey upon extraordinary Occaſions, Leave is accordingly given them.

Ordered That they attend the ſervice of the houſe again on *munday* next.

Mr *Francis Merriwether* moving for Leave to go into the Countrey upon Extraordinary occaſions, Leave is accordingly given him.

Ordered That he attend the ſervice of the houſe again on *Wedneſday* next.

Mr *Ball*, Mr *John Weſt*, Mr *Hill*, Mr *Sullivan*, and Mr *Eskridge* ſeverally moving for Leave to go into the Countrey upon extraordinary Occaſions, Leave is accordingly given them.

Ordered That they attend the ſervice of the houſe again on *Tueſday* next

A Member of the houſe moving that Leave may be given to Mr *Ranſom* to go into the Countrey for recovery of his health, Leave is accordingly given him.

A Bill Entituled *an Act for preventing the taking away, concealing & unlawfully detaining of goods caſt away upon the coaſt of this Colony* was read the ſecond time, and committed to the Comitee of propoſitions and Grievances for amendments.

A Bill Entituled *an Act for ſetling and aſcertaining the currant rates of forreign coines in this dominion* was read the ſecond time.

Ordered That the ſaid bill be engroſſed

An engroſſed bill Entituled *an act concerning Servants & Slaves* was read the third time

Reſolved. That the bill do paſs

Mr *Miles Cary* from the comitee of publiq claimes to whome it was referr'd to inſpect all the acts of Aſſembly made ſince ye year 1699 and to report to the houſe, what part of them were neceſſary to be continued altered or amended in the reviſal of ye whole body of the Laws, reported the proceedings of the ſaid comittee, which he read in his place, and then delivered in at the table, where y^e^ ſame being again read.

Ordered That the ſaid report do Lye upon the table.

An Engroſſed bill Entituled *an act for the ſpeedy and eaſie proſecution of Slaves committing capital crimes* was read the third time

Reſolved That the bill do paſs

An Engroſſed bill Entituled *an Act concerning waiſts & Strayes* was read the third time

Reſolved That the bill do paſs

An Engroſſed bill Entituled *an Act for regulating ordinaries, and reſtraint of tipling houſes* was read the third time

Reſolved That the bill do paſs

An Engroſſed bill Entituled *an act concerning marriages* was read the third time

Reſolved That the bill do paſs.

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An Engroſſed bill Entituled *an Act for making clearing, & repairing the high wayes and Creekes* was read the third time, and an amendment being made therein at the table

Reſolved That the bill amended do paſs.

Ordered That Mr *Miles Cary*, Mr *Tayloe*, Mr *Bolling*, Mr *Waſhbourne*, Mr *Edwards*, Mr *Marable*, Mr *Gouldman*, and Mr *Hack* carry the bills, which this day paſſed the houſe to the Councill, and deſire their Concurrence thereto.

A meſſage from the Councill by Mr *Robertſon*, that the Councill have agreed to the bill Entituled *an act concerning the Collection of the publiq and County Levies, and for the better payment of the ſame to the reſpective Creditors therein concern'd* without any amendments.

Alſo that the Councill have agreed to the bill Entituled *an act for prevention of treſpaſſes by unruly horſes, Cattle, Hoggs, Sheep and Goates, and by taking any Boates & Canoes* without any amendments.

Alſo, That ye Councill have agreed to the bill Entituled *an act for Eſtabliſhing the general Court, and for regulating & ſetling the proceedings therein*, with ſome amendments to which they deſire the Concurrence of this houſe.

Alſo That ye Councill have agreed to the bill Entituled *an act concerning tythables* with ſome amendments to which they deſire the Concurrence of this houſe.

Ordered That the amendments to the bill entituled *an act for prevention of miſunderſtandings between the tributary Indians, and other her Mātys Subjects of this Colony and Dominion, and for a free and open trade with all Indians whatſoever* be taken into conſideration on *Munday* next.

And then the houſe adjourn'd till to morrow morning nine a Clock

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Saturday May the 11th 1706

ORDERED That the Comittee of Propoſitions and Grievances take into conſideration the bill Entituled *an Act for continuing ſeveral acts therein nam'd* as alſo the bill Entituled *an act for continuance of ſeveral acts therein nam'd in part*, and ſome other acts with additions (being part of ye reviſal) and that they prepare, and bring in ſuch Bills, as will anſwer the ends of the ſaid Bills, and alſo that with the ſaid bills they take into Conſideracon the report of the Comittee for publiq claimes relating to ſuch acts, as are neceſſary to be continued, altered, or amended in the reviſal of the whole body of the Lawes.

The houſe proceeded to take into conſideration the amendments propoſed by the Councill to the bill Entituled *an act for Eſtabliſhing the general Court, and for regulating and ſetling the proceedings therein*, and the ſame being read were agreed unto by the houſe and made in the bill.

The houſe proceeded to take into Conſideration the amendments propoſed by the Councill to the bill Entituled *an act for regulating the Elections of Burgeſſes for ſetling their Priviledges, and for aſcertaining their allowances*, and the ſame being read were agreed unto by the houſe, and made in the bill

The houſe proceeded to take into Conſideration the amendments propoſed by the Council to the bill Entituled *an Act for Limitation of Action, & avoiding of Suites*, and the ſame being read were agreed unto by the houſe and made in the bill

The houſe proceeded to take into Conſideration the amendments propoſed by the Councill, to the bill Entituled *an Act declaring who ſhall not bear office in this Countrey*, and the ſame being read were agreed unto by the houſe, and made in the bill

The houſe proceeded to take into Conſideration the amendments propoſed by the Councill, to the bill Entituled *an act againſt ſtealing hoggs*, and the ſame being read, one of them was agreed, and the other diſagreed unto, by the houſe

Ordered That Mr *Robert Beverley*, Mr *Marable*, Mr *Edwards*, and Mr *Harry Beverly* carry the bill to the Councill, and acquaint them, that this houſe hath agreed to one of the

the amendments, and to the other difagreed, and defire their Honours to pafs the bill, without that amendment, which the houfe hath not agreed to.

The Houfe proceeded to take into Confideration the amendments propofed by the Council, to the bill, Entituled *an Act to prevent killing deer, at unfeafonable times*, and the fame being read, were agreed unto by the houfe, and made in the bill

The houfe proceeded to take into confideration the amendments propofed by the Councill, to the bill Entituled *an act concerning tythables*, and the fame being read, one of them was agreed, and the other difagreed unto by the houfe.

Ordered That Mr *Peter Beverley*, Mr *Harrifon*, Mr *Epps*, Mr *Jenkins* carry the bill to the Council, and acquaint them, that this houfe hath agreed to one of the amendments, and to the other difagreed, and defire their Honours to pafs the bill without thofe amendments, which this houfe hath not agreed

The houfe proceeded to take into Confideration the amendments propofed by the Councill to the bill Entituled *an Act for Encouragement of Land Frontiers*, and the fame being read were agreed unto by the houfe, and made in the bill

Ordered That Mr *Randolph*, Mr *Tayloe*, Mr *Waters*, Mr *Barbar*, Mr *Bolling*, Mr *Fitzhugh*, Mr *Gaddis*, Mr *Thorowgood*, & Mr *Neal* carry to the Council the feveral Bills following (*viz*t)

A Bill Entituled *an act for eftablifhing the general Court, and for regulating and fetling the proceedings therein*

A Bill Entituled *an Act for regulating the Elections of Burgeffes for fetling their priviledges, and for afcertaining their allowances.*

A Bill Entituled *an act for Limitation of actions, and avoiding of Suites.*

A Bill Entituled *an Act declaring who fhall not bear office in this Countrey.*

A Bill Entituled *an Act to prevent Killing Deer at unfeafonable times*

A Bill Entituled *an Act for Encouragement of Land Frontiers*

A Bill Entituled *an Act concerning Juries*

And acquaint their Honours that the houfe hath agreed to ye feveral amendments propofed by them to the faid bills, and that the bills are amended accordingly.

Ordered That Mr *Peter Beverley*, Mr *Harrifon*, Mr *Eppes*, & Mr *Jenkins* carry to the Councill the bill Entituled *an Act prefcribing ye method of appointing Sherrifs, and Limiting the time of their Continuance in office, and directing their duty therein*, and acquaint their Honours that this houfe hath agreed to the amendments propofed by them to the faid bill with an amendment to which they defire their Concurrence.

The houfe proceeded to take into Confideration the amendments propofed by the Councill to the bill Entituled *an Act declaring how Long Judgments, Bonds, Obligations and Accounts fhall be in force, for the affignment of Bonds and obligations directing, what proof fhall be fufficient in fuch Cafes, and afcertaining the damage upon protefted bills of Exchange*, and the fame being read, were agreed unto by the houfe, and made in the bill.

Ordered That Mr *Miles Cary*, Mr Wm *Armefted*, Mr *Leifter*, Mr *Hack*, Mr *Holliday*, and Mr *Wife* do carry the bill to the Councill, and acquaint them that this houfe hath agreed to the amendments by them propofed to the faid bill, and made them in the bill accordingly

Mr *Robert Beverley* reported, that the perfons to whom it was referr'd to prepare, and bring in a bill for Eftablifhing Ports and townes, had prepared the faid bill, which he prefented to the houfe, and the fame was received.

The houfe (according to order) was call'd over, and the abfence of thofe members, that did not appear excufed

A Letter from Mr Wm *Robinfon* a Member of this houfe, fetting forth his reafons, why he doth not attend ye Service of the houfe, was read.

And then the houfe adjourned till *Munday* morning ten a Clock.

Munday

Munday May the 13th 1706

A MESSAGE from the Councill, by Mr *Robertſon*, yt the Councill have paſſed the ſeveral bills following, as amended (*Vizt*)

A Bill entituled *an Act for Encouragement of the Land frontiers.*

A Bill Entituled *an Act concerning Juries*

A Bill Entituled *an act for Limitation of Actions & avoiding of ſuites.*

A Bill Entituled *an Act declaring how Long Judgements, Bonds, Obligations, and accounts ſhall be in force, for the Aſſignment of Bonds and Obligations, directing what proof ſhall be ſufficient in ſuch caſes, and aſcertaining the damage upon proteſted bills of Exchange.*

A Bill Entituled *an Act for regulating the Elections of Burgeſſes for ſetling their priviledges, and for aſcertaining their allowances.*

A Bill Entituled *an Act to prevent killing of deer at unſeaſonable times*

A Bill Entituled *an act declaring who ſhall not bear Office in this Countrey.*

Alſo, that the Councill have agreed to the amendments made by this houſe to the amendments propoſed by them to the bill Entituled *an Act preſcribing the method of appointing Sherrifs, and Limiting the time of their Continuance in Office, & directing their duty therein*

Alſo yt the Councill do recede from the amendments propoſed by them to the bill Entituled *an act concerning Tythables*, and to the bill Entituled *an act againſt ſtealing hoggs*, which are not agreed unto by this houſe

A written meſſage from his Exčy and the Counſel by Mr *Robertſon* with ſeveral papers relating thereto.

By his Exčy and the Councill

Mr Speaker *and Gentlemen of the houſe of Burgeſſes*

His Exčy and the Council having upon a petition from the Burgeſſes of *Surrey* and *Prince George* Counties given directions to the County Courts of *Iſle* of *Wight* and *Nanſemond* to order the running the dividing Lines between the ſaid Counties on the South ſide of *black water* Swamp, according to an ordinance of Aſſembly, the ſaid Courts have returned anſwers, which ſeem rather to be dilatory, than to ſhow any inclination to comply with the ſaid ordinance, and ſince frequent Complaintes are made of the inconveniences, that ariſe by reaſon of the uncertain bounds of thoſe Counties.

His Exčy, and the Councill have therefore ſent the ſaid Petition & the anſwers of the aforeſaid Counties that Yor houſe may conſider of ſome other method to oblige the ſeveral County Courts to run ye ſaid dividing Lines, ſince ye way already propos'd has prov'd ineffectual.

The ſaid Meſſage wth the papers relating thereto being ſeverally read.

Ordered That Mr *Bolling*, Mr *Bland*, Mr *Harriſon* and Mr *Edwards* do prepare, and bring in a bill for ſetling the dividing Lines, between the Counties of *Prince George*, *Surry Iſle* of *Wight* & *Nanſemond*.

The memorial of Mr *William Fitzhugh* relating to his keeping a ferry on *Potomock* river, being referr'd from his Exčy. & the Councill to the Conſideration of this houſe was read

Ordered That the ſaid memorial be referr'd to the Conſideration of the Comittee of propoſitions and Grievances

The Petition of *Richard Liggon* being referr'd from ye Councill to the Conſideration of this houſe was read, praying that he may be allowed for ſurveying five thouſand and fourty acres of Land for the *french* Refugees inhabiting at the *manakin* town.

Ordered That the ſaid Petition be rejected

The houſe reſolved it ſelf into a Comittee of the whole houſe, upon the bill Entituled *an act directing the manner of Levying Executions and for releif of poor priſoners for debt*, and after ſome time ſpent therein Mr *Speaker* reſum'd the Chair, and Mr *Miles Cary* reported from the ſd Comittee, that they had agreed upon a Clauſe to be added

to

to the ſd bill, which he read in his place, and then delivered in at the table, where the ſame being again read and agreed unto by the houſe was added to the bill, and twice read.

Ordered That y^e^ ſaid bill with the Clauſe be Engroſſed.

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the recommittment of the bill Entituled *an act for Encouragement of building water mills*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, and Mr *Miles Cary* reported from the ſaid Comittee that they had agreed upon ſome other amendments, to be made therein, which he read in his place, and then delivered in at the table, where the ſame being again read, and agreed unto by the houſe were made in the bill, and twice read.

Ordered That y^e^ ſaid bill with the amendments be engroſſed.

The amendments propoſed by the Councill, to the bill Entituled *an act concerning Tythables*, and to the bill Entituled *an act againſt Stealing Hoggs*, which were agreed unto by this houſe are made in the bill

Ordered That Mr *Bland*, M^r^ *Wm Cary*, Mr *Chriſtopher Robinſon* Mr *Bridger*, M^r^ *Moſely*, and M^r^ *Maſon* of *Norfolk* do carry the Bill to the Councill, and acqvaint them, that this houſe hath amended it, according to the amendments agreed to.

Ordered That the amendments to the bill, Entituled *an act for prevention of miſunderſtandings between the tributary Indians, and other her Mãtys Subjects of this Colony and dominion and for a free and open trade with all Indians whatſoever* be taken into Conſideraẽon on *Wedneſday* next.

The houſe according to order was called over, and the abſence of thoſe members, that did not appear excuſed.

The houſe proceeded to take into Conſideration the amendments propoſed by the Councill to the bill Entituled *an act for improving the ſtaple of Tobacco, and for regulating the ſize and tare of Tobacco hogſheads*, and the ſame being read, ſome of them were agreed, and the other diſagreed unto.

Ordered That Mr *Peter Beverley*, Mr *Waters*, Mr *Barbar*, Mr *Bland*, Mr *Edwards*, Mr *Fitzhugh*, M^r^ *Waſhbourne*, Mr *Taylor*, Mr *Holliday*, and Mr *Thoroughgood* do carry ye bill to the Councill and acquaint them, that this houſe hath agreed to ſome of ye amendments, and to the other diſagreed, and deſire their honours to paſs the bill without thoſe amendments which this houſe hath not agreed to

And then the houſe adjourned till to morrow morning nine a Clock

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Tueſday May the 14th 1706

THE Bill Entituled *an act preſcribing the method of appointing Sherrifs, and Limiting the time of their Continuance in office, and directing their duty therein* was amended according to the amendments agreed to by the Councill and this houſe.

Ordered That Mr *Bland*, Mr *Gaddis*, Mr *Byrd*, and Mr *Thomas Weſt* do carry the bill to the Councill, and acquaint them y^t^ the ſame is amended according to the amendments agreed to.

The houſe reſolved it ſelf into a Comitee of the whole houſe upon ye bill Entituled *an Act concerning the granting, ſeating and planting, and for ſetling the titles and bounds of Lands, and for preventing unlawfull ſhooting and ranging thereupon*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the chair, and Mr *Miles Cary* reported from the ſaid Comittee y^t^ they had gone through the Bill, and agreed upon ſeveral amendments to be made therein, which they had directed him to report, when the houſe will pleaſe to receive the ſame.

Ordered That y^e^ ſaid report be made to morrow morning.

An Engroſſed Bill Entituled *an act for ſetling and aſcertaining the Currant Rates of forreign Coines in this dominion* was read the third time.

Reſolved That the bill do paſs

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An Engroſſed Bill Entituled *an Act for Encouragement of building water mills* was read the third time.

Reſolved That the bill do paſs

An Engroſſed Bill Entituled *an act directing the manner of Levying Executions, and for relief of poor priſoners for debt* was read the third time

Reſolved That the Bill do paſs

Ordered That Mr *Edwards*, Mr *Chriſtopher Robinſon*, Mr *Gaddis*, Mr *Taylor*, Mr *Wyſe*, and Mr *Thorowgood* do Carry the ſaid bills to the Councill, and deſire their Concurrence thereto.

The houſe reſolved it ſelf into a Comitee of the whole houſe upon the bill Entituled *an Act for Eſtabliſhing the County Courts for Regulating and ſetling the proceedings therein, Directing the manner of granting Probates of Wills, and adminiſtration of inteſtates Eſtates*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, & Mr *Miles Cary* reported from the ſaid Comitee, yt they had made ſome progreſs in the bill, and directed him to move, yt they may have Leave to ſet againe.

Reſolved That ye houſe will again reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill.

Mr *Moſely* and Mr *Maſon* of *Norfolk* ſeverally moving for Leave to go into the Countrey upon Extraordinary Occaſions, Leave is accordingly given them.

Ordered That they attend the Service of the houſe againe on *Wedneſday* come ſeven night

And then the houſe adjourned till to morrow morning nine a Clock.

Wedneſday May the 15th 1706

A MESSAGE from the Councill by Mr *Robertſon*, yt ye Councill have paſſed the ſeveral Bills following as amended. (*Viz*t)

A Bill Entituled *an Act for Eſtabliſhing the general Court, & for regulating and ſetling the proceedings therein*

A Bill Entituled *an Act preſcribing the method of appointing Sherrifs and Limiting the time of their continuance in office and directing their duty therein.*

A Bill Entituled *an Act againſt ſtealing hoggs.*

A Bill Entituled *an Act concerning Tythables*

Alſo that the Councill have agreed to the bill Entituled *an Act for the ſpeedy and eaſie proſecution of ſlaves, committing Capital Crimes* without any amendments.

Alſo, that the Councill have agreed to the bill Entituled *an Act for regulating Ordinaries, and reſtraint of tipling houſes* with ſome amendments, to which they deſire the concurrence of this houſe.

Alſo, that ye Councill have agreed to ye Bill Entituled *an Act concerning waiſts and Strayes* with ſome amendments to which they deſire the concurrence of this houſe.

Alſo that ye Councill have agreed to the bill Entituled *an act for making, clearing and repairing the high wayes, and for Clearing the rivers & Creeks* with ſome amendments to which they deſire the concurrence of this houſe.

The petition of the inhabitants of the Lower part of *Wilmington* pariſh being referr'd from his Exčy and Councill to ye conſideration of this houſe was read, praying, that they may be join'd to *James City* pariſh, and the petition of the Veſtry of *James City* pariſh, relating to the ſame matter, being Likewiſe referr'd from his Exčy and Councill to the conſideration of this houſe, was read

Ordered That ye ſaid petitions do Lye upon the table.

Mr *Miles Cary* (according to order) reported from the Comitee of the whole houſe, the amendments agreed on by the ſaid Comitee to the bill Entituled *an act concerning the granting, ſeating and planting and for ſetling the titles and bounds of Lands, & for preventing unlawfull ſhooting, and ranging thereupon*, which he read in his place, and then delivered in at the table, where ye ſame being again read were agreed unto by the houſe.

Ordered

Ordered That the ſaid amendments be made in the bill, and that the ſaid bill be read a ſecond time.

A member of the houſe moving for Leave to bring in the petition of *John Kimbrow*, Leave is accordingly given him, & y^e^ ſame being read, praying to be allowed his uſual penſion of one thouſand pounds of Tobacco and Cask p^r^ annum.

Ordered That ye Conſideration of the ſaid petition be referr'd to ye Comitee for publiq claimes to report their Opinions therein.

The houſe according to order proceeded to take into conſideration the amendments agreed on by the Comittee of the whole houſe to the bill Entituled *an act for prevention of miſunderſtandings between the tributary Indians, and other her Mãtys Subjects of this Colony and Dominion, and for a free and open trade with all Indians whatſoever*, and the ſame being read (except one which was diſagreed) were agreed unto by the houſe.

Ordered That the bill be amended according to ye amendments agreed to by the houſe, and y^t^ the ſame be read a ſecond time

The houſe reſolved it ſelf into a Comitee of the whole houſe upon the bill Entituled *an act for Eſtabliſhing the County Courts, for regulating and ſetling the proceedings therein, and directing the manner of granting probates of Wills and adminiſtracon of Inteſtates Eſtates*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, and Mr *Miles Cary* reported from the ſaid Comittee that they had made ſome further progreſs in the ſaid bill, and directed him to move that they may have Leave to ſet againe

Reſolved That ye houſe will againe reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill

Mr *Peter Beverley* reported, y^t^ the Comittee of propoſitions and Grievances to whome it was referr'd to prepare and bring in a bill for Laying an impoſicon upon Liquors and Slaves, had prepared the ſaid Bill, which he preſented to the houſe, and the ſame being received was read the firſt time, & ordered to be read a ſecond time

And then the houſe adjourned till to morrow morning nine a Clock

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Thurſday May the 16th 1706

A BILL Entituled *an Act for prevention of miſunderſtandings between the tributary Indians, and other her Mãtys Subjects of this Colony and Dominion, and for a free and open trade with all Indians whatſoever* was read the ſecond time, and recommitted.

A Bill Entituled *an act concerning the granting, ſeating and Planting and for ſetling the titles and bounds of Lands, & for preventing un Lawfull ſhooting and ranging thereupon* was read the ſecond time.

Ordered That the ſaid Bill be Engroſſed

Mr *Bridger* moving for Leave to go into the Countrey upon extraordinary Occaſions, Leave is accordingly given him

Ordered That he attend the Service of the houſe again on *Tueſday* next.

Mr *Jenkins* moving for Leave to go into the Countrey upon Extraordinary Occaſions, Leave is accordingly given him

Ordered That he attend the Service of the houſe again on *Thurſday* morning next

Mr *William Armſtead* moving for Leave to be abſent from the ſervice of the houſe on *Saturday* next upon Extraordinary Occaſions, Leave is accordingly given him.

Mr *Thomas Weſt* moving for Leave to be abſent from the ſervice of the houſe on *Munday* and *Tueſday* next upon Extraordinary Occaſions, Leave is accordingly given him

Mr *Peter Beverley* reported y^t^ ye Comittee of propoſitions and Grievances to whom it was referred to prepare a ſuitable clauſe to prevent dilatory pleas in proceedings at Law to be added to one of the reviſed Laws, had prepared a Clauſe accordingly, which he read in his place, and then delivered it in at the table, where the ſame being againe read

Ordered

Ordered That the Conſideracon of the ſaid Clauſe be referred to the Committee of the whole houſe to whome the bill for Eſtabliſhing the County Courts for regulating and ſetling the proceedings therein, and directing the manner of granting probates of wills and adminiſtration of Inteſtate Eſtates is committed.

The houſe was called over, and thereupon

Ordered That Mr *Ball* be taken into Cuſtody of ye Meſſenger to anſwer his default in not attending (according to his duty) ye Service of the houſe, & yt Mr *Speaker* iſſue his warrant accordingly.

Ordered That Mr *Eskridge* be taken into Cuſtody of the meſſenger to anſwer his default in not attending (according to his duty) the Service of the houſe, and yt Mr *Speaker* iſſue his warrant accordingly.

Ordered That Mr *Wm Robinſon* and Mr *McCarty* attend the ſervice of this houſe on *munday* come Seven night, at ye Calling over the houſe, and if they then fail in their attendance they be ſent for in Cuſtody of the meſſenger to anſwer the ſame, and that Mr *Speaker* iſſue his warrant accordingly

A Bill Entituled *an Act for Laying an impoſition upon Liquors and Slaves* was read the ſecond time, and committed to a Comittee of the whole houſe for amendments

And the houſe accordingly reſolved it ſelf into the ſaid Comittee, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, and Mr *Peter Beverley* reported from the ſaid Comittee, that they had gone through the bill, and agreed upon ſeveral amendments to be made in the ſaid bill, which he read in his place, and then delivered in at the table, where the ſame being again read, and agreed unto by the houſe, were made in the bill, and twice read.

Ordered That the ſaid bill with the amendments be Engroſſed

And then the houſe adjourned till to morrow morning nine a Clock.

Fryday May the 17th 1706

THE houſe being informed, that Mr *Ball* (who is in Cuſtody of ye meſſenger) is ready to attend the ſervice of the houſe

Ordered That he be diſcharged out of Cuſtody

The houſe being informed that Mr *Eskridge*, (who is in Cuſtody of the meſſenger) is ready to attend the ſervice of ye houſe.

Ordered That he be diſcharged out of Cuſtody paying fees.

A bill Entituled *an Act for raiſing a publiq revenue for ye better ſupport of the Government of this her Mātys Colony and dominion of* Virginia was read the ſecond time, and recommitted to a Comittee of the whole houſe, and the houſe accordingly reſolved it ſelf into the ſaid Comittee, and after ſome time ſpent therein Mr *Speaker* reſumed the Chair, and Mr *Randolph* reported from the ſaid Comittee, yt they had agreed upon ſeveral amendments to be made in the ſaid bill, which he read in his place, and then delivered in at the table, where the ſame being again read, were (with amendments to two of the ſaid amendments) agreed unto by the houſe, which being made in the bill, and twice read.

Ordered That the ſaid bill with the amendments be engroſſed.

An Engroſſed bill Entituled *an act for Laying an impoſition upon Liquors and Slaves* was read the third time.

Reſolved That the bill do Paſs.

Ordered That the Comittee for publiq Claimes do carry the ſaid bill to ye Councill and deſire their Concurrence thereto

Upon a motion made

Ordered That ye Comittee for publiq Claimes do prepare and bring in a bill appointing Mr *Speaker* to be treaſurer of *Virginia*.

A meſſage from the Councill by Mr *Robertſon* that the Councill have agreed to the bill Entituled *an act concerning the Church Clergy and other parochial affaires* with ſome amendments to which they deſire the concurrence of this houſe.

Alſo, that ye Councill have agreed to the bill Entituled *an Act concerning marriages* with ſome amendments to which they deſire the Concurrence of this houſe.

Alſo, that the Councill do recede from ye amendments propoſed by them to the bill Entituled *an Act for improving the ſtaple of Tobacco, and for regulating the ſize and tare of Tobacco hogſheads* which are not agreed unto by this houſe.

The petition of *Miles Cary*, *William Buckner*, and *William robertſon* Attorneys of Coll° *Francis Nicholſon* her Mãtys Late Governour of this Colony, relating to the Countrey houſes, which Mr *Henry Cary* was impowered to convey unto him ye ſaid Coll° *Nicholſon*, being referr'd from the Councill to the Conſideration of this houſe was read

Ordered That the ſaid petition do Lye upon the table.

A Bill Entituled *an Act for Eſtabliſhing ports and townes* was read ye firſt time, & committed to a Comittee of ye whole houſe

Reſolved That this houſe will upon *Thurſday* next reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill

A Member of ye houſe moving for Leave to bring in two Claims from *Lancaſter* County, Leave is accordingly given him, and the ſaid Claimes being read, were referr'd to the Comittee for publiq Claimes to examine ye Subject matter thereof, and report ye ſame with their Opinions therein to the houſe

Upon a motion made, Leave is given to bring in a bill for ſetling the bounds between the Counties of *King* and *Queen & Effex*

Ordered That Mr *Byrd* and Mr *Taylor* do prepare and bring in ye ſd bill

And then the houſe adjourned till to morrow morning nine a Clock.

Saturday May the 18th 1706

MR. *Taylor* moving for Leave to be abſent from ye ſervice of ye houſe on *Munday* next upon extraordinary Occaſions, Leave is accordingly given him

A Member of ye houſe acquainted the houſe yt ye mace belonging to this houſe was broke, and moved, yt Enquiry might be made, how it came by that diſaſter, and after a debate thereupon, it was moved, that the Queſtion might be put,

That enquiry be made, how ye mace came to be broken

Which being oppoſed,

The previous Queſtion was put, yt the ſaid Queſtion be put, and it paſt in the negative

Ordered That ye bill Entituled *an act for improving the ſtaple of Tobacco, and for regulating the ſize and tare of Tobacco hogſheads*, be amended according to the amendments agreed to by the Councill, & this houſe.

Mr *Bolling* reported, yt the perſons to whome it was referred to prepare, and bring in a bill for ſetling the dividing Lines between the Counties of *Prince George*, *Surry*, *Iſle wight* and *Nanſemond* had prepared the ſaid bill, which he preſented to the houſe, and the ſame being received was read ye firſt time, & ordered to be read a ſecond time.

The houſe proceeded to take into Conſideration the amendments propoſed by the Councill to the bill Entituled *an act concerning waiſts & Strays* & ye ſame being read were agreed unto by ye houſe, and made in the bill.

The houſe proceeded to take into Conſideration the amendments propoſed by the Councill to the bill Entituled *an act concerning marriages*, and ye ſame being read, were agreed unto by the houſe and made in the bill

A Meſſage from the Councill by Mr *Robertſon*, yt ye Councill have agreed to the bill Entituled *an act for ſetling and aſcertaining the Current rates of forreign Coines in this dominion* with ſome amendments to which they deſire the Concurrence of this houſe.

Alſo

Alſo, that the Councill have agreed to the bill Entituled *an act for Encouragement of building water mills* with ſome amendments to which they deſire ye concurrence of this houſe.

Alſo, that the Councill have agreed to the bill, Entituled *an Act concerning Servants, and Slaves*, with ſome amendments to which they deſire the Concurrence of this houſe.

The houſe proceeded to take into conſideration ye amendments propoſed by ye Councill to the bill Entituled *an act for regulating Ordinaries & reſtraint of tipling houſes*, and the ſame being read, were agreed unto by the houſe, and made in the bill

Mr *Ballard* moving for Leave to go into the Country for recovery of his health, Leave is accordingly given him

Ordered That Mr *Miles Cary*, Mr *Edwards* Mr *Eskridge*, and Mr *Gaddis*, do carry to the Councill the ſeveral bills following (*Viz^t^*)

A Bill Entituled *an Act concerning waiſts and Strayes*

A Bill Entituled *an Act concerning marriages*

A Bill Entituled *an act for regulating Ordinarys, and reſtraint of tipling houſes*

And acquaint their Honours, y^t^ this houſe hath agreed to the ſeveral amendments propoſed by them to the ſaid bills, and y^t^ the bills are amended accordingly

And alſo y^t^ they carry to the Councill ye bill Entituled *an act for improving ye Staple of Tobacco, and for regulating the ſize and tare of Tobacco hogſheads*, and acquaint them, that the ſame is amended according to the amendments agreed to

The houſe reſolved it ſelf into a Comittee of ye whole houſe upon ye bill Entituled *an Act directing the duty of Surveyors of Land and aſcertaining their fees*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, and Mr *Peter Beverley* reported from the ſaid Comittee y^t^ they had gone through the bill and agreed upon ſeveral amendments be be made therein, which he read in his place, and then delivered in at the table, where the ſame being again read, were (with an amendment to one of the ſaid amendments) agreed unto by the houſe.

Ordered That the bill be amended according to the ſaid amendments and read a ſecond time.

The houſe (according to order) was called over, and the abſence of thoſe members that did not appear excuſed.

Ordered That the Comittee of Propoſitions and Grievances do prepare and bring in a bill upon the reſolves of this houſe, reſtraining ye taking up of Land.

And then the houſe adjourned till *Munday* morning ten a Clock

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Munday May the 20th 1706

MR. *Fitzhugh* moving for Leave to be abſent from the ſervice of the houſe for ten dayes upon Extraordinary Occaſions, Leave is accordingly given him.

M^r^ *Cuſtis* moving for Leave to go into the Countrey upon Extraordinary Occaſions, Leave is accordingly given him.

The houſe proceeded to take into conſideration the amendments propoſed by the Councill to ye bill Entituled *an Act for Encouragement of building water mills*, and the ſame being read, were agreed unto by the houſe and made in the bill.

The houſe proceeded to take into Conſideracon the amendments propoſed by the Councill to the bill Entituled *an act concerning Servants & Slaves* and the ſame being read, (except one which was diſagreed) were agreed unto by the houſe, and made in the bill.

The houſe (according to order) was call'd over, and ye abſence of thoſe members, that did not appear excuſed.

The houſe reſolved it ſelf into a Committee of the whole houſe upon the bill, Entituled *an Act for prevention of miſunderſtandings between the tributary Indians and other her Mātys Subjects of this Colony and Dominion, and for a free and open trade with all Indians*

Indians whatſoever, and after ſome time ſpent therein Mr *Speaker* reſum'd the Chair, and Mr *Peter Beverley* reported, that the ſaid Comittee had directed him to move, that they may have leave to ſet againe

Reſolved That this houſe will on this day ſeven night reſolve it ſelf into a Comittee of ye whole houſe upon the ſaid bill.

The Order of the day for the houſe to take into Conſideration the report of the Comittee appointed to enquire into the practice & behaviour of the Attorney general being read,

A member of the houſe moved for Leave to bring in a petition of ye Attorney general relating to the ſaid Report, Leave was accordingly given him, and the ſame being read

Ordered That the ſaid Report be taken into conſideration *Thurſday* come ſeven night, and yt the Attorney general have Notice thereof, as alſo, that he has Leave to be then heard by himſelf or Counſel, and that he may have a view of a Coppy of the decree, and ſcqueſtration in the ſaid report menc̃ond.

And then the houſe adjourned till to morrow morning nine a Clock

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Tueſday May the 21ſt 1706

ORDERED That Mr *Miles Cary*, Mr *Edwards*, Mr *Eskridge*, & Mr *Gaddis* do carry to the Councill, the bill Entituled *an act for Encouragement of building water mills*, and acquaint them, yt this houſe hath agreed to the amendments propoſed by them to the ſaid bill, and yt the ſame is amended accordingly, and alſo that they carry to the Councill the bill Entituled *an act concerning Servants and Slaves*, and acquaint them, that this houſe hath agreed to ſome of the amendments propoſed by them to the ſaid bill, and to the other diſagreed, and deſire their Honours to paſs the bill without that amendment, which this houſe hath not agreed to

The Petition of *Edward Creekmore* and others concerning their payment of the quit rents of Certain Lands (by them held) in this Government and that of *Carolina* being referr'd from his Exc̃y & the Councill, to the conſideration of this houſe was read

Ordered That the conſideration of the ſaid petition be referr'd to the Comittee of propoſitions and Grievances to report their Opinions therein.

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an act for Eſtabliſhing the County Courts, for regulating & ſetling ye proceedings therein, and directing the manner of granting probates of Wills, and adminiſtration of Inteſtates Eſtates*, and after ſome time ſpent therein Mr *Speaker* reſumed the Chair, and Mr *Miles Cary* reported from the Said Comittee, that they had gone through the bill, and agreed upon ſeveral amendments to be made therein which he read in his place, and then delivered in at the table, where the ſame being again read were agreed unto by the houſe

Ordered That the amendments be made in the bill, and yt ye ſaid bill be read a ſecond time

A meſſage from the Councill by Mr *Robertſon* yt ye Councill have paſſed ye ſeveral bills following as amended. (*Viz*t)

A Bill Entituled *an Act concerning Waiſts and Strayes*

A bill Entituled *an act for regulating Ordinaries, and reſtraint of tipling houſes*

A bill Entituled *an act concerning marriages*

A bill Entituled *an act for improving the ſtaple of Tobacco, and for regulating the ſize and tare of Tobacco hogſheads.*

A Bill Entituled *an act for encouragement of building water mills.*

Alſo, that ye Councill do recede from that amendment propoſed by them to the bill Entituled *an act concerning Servant and Slaves*, which is not agreed unto by this houſe.

Alſo, That the Councill have agreed to the bill Entituled *an act directing the manner of Levying Executions, and for relief of poor Priſoners for debt*, with an amendment to which they deſire the Concurrence of this houſe.

The

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an act for the better ſecuring the Liberty of the Subject*, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, and Mr *Miles Cary* reported from the ſaid Comittee, that they had gone through the bill, and agreed upon ſeveral amendments to be made therein, which he read in his place and then delivered in at the table where the ſame being again read were agreed unto by the houſe

Ordered That the amendments be made in the bill, and y^t y^e ſaid bill be read a ſecond time.

And then the houſe adjourned till to morrow morning nine a Clock.

Wedneſday May the 22nd 1706

A BILL Entituled *an Act directing the duty of ſurveyors of Land and aſcertaining their fees* was read the ſecond time.

Ordered That the ſaid bill be Engroſſed.

A Bill Entituled *an act for Eſtabliſhing the County Courts for regulating and ſetling the proceedings therein, and directing ye manner of granting probates of Wills, and adminiſtracõn on inteſtates Eſtates*, was read the ſecond time, and after a debate, ye Queſtion was put, that the bill be recommitted for amendments.

It paſt in the Negative

Ordered That the ſaid bill be Engroſſed

A written meſſage from the Councill by Mr *Robertſon*.

Mr Speaker *and Gentlemen of the houſe of Burgeſſes*

The Councill being deſirous to keep up a good correſpondence with Yo^r houſe, and to avoid all occaſion of diſputes, which might ariſe by their amending of the bill for Laying an impoſition upon Liquors and Slaves, in which they perceive there is no Exception made of Liquors imported from *England*, thô they have alwayes been excepted in all former acts, and apprehending, that the Laying Impoſitions on Liquors imported from *England*, and Even on thoſe of the product and manufacture thereof may draw after it ſome unuſual Conſequences, have thought fit to offer it to the Conſideration of Yo^r houſe, to conſent that an exception be made of all Liquors imported directly from *England Wales* or *Berwick*, from the payment of any the duties mentioned in the ſaid bill The Councill are well ſatisfied, that the method they now propoſe is warranted by precedents of the Like Nature and as it is the beſt they could think of to prevent diſputes, they hope Yo^r houſe will readily agree to it, ſo y^t the bill may anſwer ye good end for which it was intended

The Petition of *John Holt* being referr'd from the Councill to the Conſideration of this houſe, was read, praying y^t he may be admitted to keep a ferry at *Hog* Iſland.

Ordered That ye Conſideration of the ſaid petition be referr'd to the Comittee of propoſitions and Grievances.

Then the houſe proceeded to take into Conſideration ye Councills Laſt meſſage, and the ſame being read upon a motion made, and after a debate, the Queſtion being put

Reſolved That a Conference be deſired with the Councill upon the ſubject matter of their Laſt meſſage

Ordered That Mr *Miles Cary*, Mr *Tayloe*, Mr *Bland*, and Mr *William Robinſon* do wait upon the Councill, and deſire the ſaid Conference, and they being returned, Mr *Miles Cary* reported, that they had accordingly waited on the Councill and deſired the ſame.

Mr *Peter Beverley* from ye Comittee of propoſitions and Grievances to whome the bill Entituled *an Act for continuing ſeveral acts therein named*, an the bill Entituled *an act for continuance of ſeveral acts therein named in part*, and ſome other acts with additions (being part of the reviſal) was referr'd to be conſidered, and to prepare and

bring

bring in ſuch bills, as would anſwer the Ends of the ſaid bills reported the proceedings of the ſaid Comittee upon the ſaid bills, and y^{t} they had accordingly prepared ſeveral bills, to wit;

A Bill Entituled *an act Confirming the Naturalization of* Joſhúa Mulder *and others.*

A Bill Entituled *an act for Naturalization*

A Bill Entituled *an act Laying an Impoſition upon ſkins & furrs for the better Support of the Colledge of* William *and* Mary.

A Bill Entituled *an act confirming titles to town Lands*, and

A Bill Entituled *an act continuing the act directing ye building the Capitol, and ye City of* Williamſburgh *with additions.*

Which report he read in his place and then delivered in at the table, and alſo preſented to the houſe the ſaid bills, and the ſame being reeeived, y^{e} ſaid Report was read again, & ordered to lie upon ye table.

A Bill Entituled *an act confirming ye naturalization of* Joſhua Mulder, *and others*, was read the firſt time, and ordered to, be read a ſecond time.

A Meſſage from the Councill by Mr *Robertſon*, y^{t} ye Councill do agree to the Conference deſired by this houſe on the ſubject matter of their Laſt meſſage, and have appointed three of their members to manage that Conference with ſueh a member of Burgeſſes, as this houſe ſhall think fit, and that they are now ready in the Conferenee Room

And thereupon

Mr *Randolph*.....Mr *Tayloe.*
Mr *P. Beverley*.....Mr *Bland.*
Mr *M. Cary*.....M^{r} *Wm Robinſon.*

Were appointed managers for the houſe in the ſaid Conference, and ordered to attend the Councill, and they being returned, Mr *Randolph* reported the ſubject matter of the ſaid Conferenee—And thereupon

Ordered That the ſaid Meſſage be taken into Conſideration to morrow morning, and that nothing intervene.

The houſe proceeded to take into Conſideration the amendment propoſed by the Couneill to the bill Entituled *an act directing the manner of Levying Executions, and for the relief of poor Priſoners for debt*, and the ſame being read was agreed unto by the houſe, and made in the bill.

The houſe proceeded to take into Conſideration the amendments propoſed by the Couneill to the bill Entituled *an act for ſetling, and aſcertaining the Currant Rates of forreign Coines in this dominion*, & y^{e} ſame being read were diſagreed unto by the houſe.

A Bill Entituled *an act, for the better ſecuring ye Liberty of the Subject* was read the ſecond time.

Ordered That the ſaid Bill be Engroſſed.

A written meſſage from his Exc̄y by Mr *Robertſon*

Gentlemen

The apprehenſions of the danger, that threatned us from the power of the *French* in the *Weſt Indies*, and the want of places of defence for y^{e} ſeeurity of o^{r} trade and ſhipping in caſe they ſhould invade this Colony, engaged me to take a view of two plaees, which I think may be of importance for that purpoſe: The one is *James Town* whieh I am of Opinion may be made ſo ſtrong, conſidering the natural advantages of its ſituation, that no naval force of an Enemy eould be able to paſs by it, ſo that upon an alarm, if the Merchant ſhips in that river retired above the works to be made, there they may ride in ſafety, The other is *Weſt point* in *York* River, a place, where Nature has already eontributed very much to its defenee, ſo y^{t} it may be made in good Security for all ſhips that can go into *Mattapony* River, and will be able to diſturb the Enemies ſhips in their going into *Pamunkie* river, and a Little up that River, there is a bite or Cove, (where the Channel is very narrow) on whieh if a ſmall fort were built, and well provided

with

with guns, no ſhip could paſs it. the two former are places ſo encompaſſed with marſhes and Creekes, that the Enemy could not ſurprize them by Land, but this Laſt muſt be a Regular fortification, and if theſe workes were compleated, they would be a ſafe Retreat for all the ſhips in thoſe two Rivers, and any others, that would take the benefit of them on whatever Occaſion might happen. I ſuppoſe, You are ſatisfied that ſuch places of defence would be of great advantage to ye Countrey and Shipping, and having given you my Opinion of the places moſt convenient for that end, I muſt Leave to Yo^r^ conſideration the meanes for rendring them uſefull.

There is one thing more, which I very earneſtly deſire You to conſider, and that is the providing the Countrey wth ammunition which I find is very much wanting, and I'm afraid, that thoſe ſtories of war ſent into this Countrey, by her Mãty, and which is all, Wee have at this time to truſt to, will not be ſufficient in Caſe wee ſhould be attackt, and therefore, I hope You will never ſuffer the Countrey to run ſo great a hazard againe, as to be without a Sufficient ſupply of ammunition ready on all occaſions for the future

Edw. Nott.

The ſaid meſſage being read.

Reſolved That this houſe will on *Saturday* morning next Reſolve it ſelf into a Comittee of the whole houſe upon the ſaid meſſage.

Ordered That Mr *Robert Beverley*, Mr *Nicholas Merriwether*, Mr *Bird*, and Mr *Thomas Weſt* do carry to the Councill the bill Entituled *an act for ſetling and aſcertaining ye currant Rates of forreign Coines in this dominion*, and acquaint them, y^t^ this houſe hath not agreed to the amendments propoſed by them to the ſaid bill, and deſire their Honours to paſs the bill, without thoſe amendments.

And then the houſe adjourned till to morrow morning nine a Clock

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Thurſday May the 23^d^ 1706

A BILL Entituled *an Act for confirming titles to town Lands* was read the firſt time, and ordered to be read a ſecond time.

A member of the houſe moving for leave to bring in a Claim of *Edward Roſs*, Leave is accordingly given him, and

Ordered That the Conſideration of the ſaid Claim be referr'd to ye Comittee for publiq Claimes to report their Opinions therein

A member of the houſe moving for Leave to bring in a bill declaring ye Negroe, Mulatto and Indian Slaves within this dominion to be real Eſtate, Leave is accordingly given him, and thereupon he preſented the ſaid bill to the houſe, which being received, was read the firſt time, and ordered to be read a ſecond time.

The houſe (according to order) proceeded to take into conſideration the Councills Laſt meſſage, and the ſame being read, upon a motion made, ye houſe reſolved it ſelf into a Comittee of the whole houſe upon y^e^ ſd meſſage, and after ſom time ſpent therein, Mr *Speaker* reſum'd the chair & Mr *Peter Beverley* reported from the ſaid Comittee, y^t^ they had come to ſeveral reſoluc̃ons, which he read in his place, and then delivered in at the table, where the ſame were againe read, and agreed unto by the houſe, and are as follow (*Viz^t^*)

Reſolved That Leave be given to the Councill to amend the bill for Laying an impoſition upon Liquors and Slaves according to their meſſage

Reſolved That the amendment propoſed be made in this manner to wit, by ſtriking out a proviſo in the ſaid bill in theſe words "Provided neverthelefs, and it is hereby "Enacted and declared y^t^ no Cuſtom or duty whatſoever ſhall be required or paid for "beer of any ſort imported in any ſhip or veſſel which ſhall come directly from *England*, "*Wales* or the town of of *Berwick* upon *tweed*, if the ſame were Laden, and put on board "to be ſpent in ſuch ſhip or veſſel, for the Uſe of the Company belonging to her, and "upon no other account whatſoever, but that all ſuch beer ſhall remain and continue

"exempt

"exempt and free from any impoſition, duty or Cuſtom impoſed by this Act, as if this "act had never been made; and inſerting in the room thereof a proviſo in theſe words, Provided neverthelefs, and it is hereby Enacted, and declared y^t^ no Duty or Cuſtom whatſoever ſhall be required or paid for any of the Liquors before Enumerated, which ſhall come directly from *England Wales* or the town of *Berwick* upon *Tweed*, but that all ſuch Liquors ſhall remain and continue exempt and free from any impoſition, Duty or Cuſtom Levied or raiſed by this act, as if this act had never been made

Reſolved That giving Leave to the Councill to make ye amendment propoſed (which is to leſſen the duties impoſed by the houſe) ſhall not be drawne into Conſequence at any time here after, ſo as to be made a precedent for the Councill to deſire Leave to amend a money bill in any other manner, then by Leſſening the duty impoſed.

Ordered That Mr *Randolph*, Mr *Peter Beverley*, Mr *Miles Cary*, Mr *Tayloe* Mr *Bland*, and Mr *William Robinſon* do carry a Coppy of the two firſt Reſolves of this houſe made upon the Councills Laſt meſſage as an anſwer to the ſaid meſſage

Mr *Neal* moving for Leave to go into the Countrey upon Extraordinary Occaſions, Leave is accordingly given him

Ordered That he attend the ſervice of the houſe again on *Munday* come ſeven night.

A Letter from M^r^ *Moſely* a member of this houſe, ſetting forth his Reaſons, why he doth not attend the ſervice of the houſe, was read, and y^e^ ſame admitted as an excuſe for his abſcence at this time.

An Engroſſed bill Entituled *an Act concerning ye granting, ſeating, and planting, and for ſetling the titles and bounds of Lands, & for preventing unlawfull ſhooting, and ranging thereupon* was read the third time.

Reſolved That the bill do paſs.

An Engroſſed bill Entituled *an act directing the duty of ſurveyors of Lands, and aſcertaining their fees*, was read ye third time.

Reſolved That the bill do paſs

Ordered That Mr *Robt Beverley*, Mr *Tayloe*, Mr *Bolling*, M^r^ *Wm Robinſon*, Mr *Epps*, M^r^ *Wm Cary*, Mr *Francis Merriwether*, and Mr *Bridger* do carry the ſaid bill to the Councill, and deſire their concurrence thereto

Mr *Byrd* reported y^t^ ye perſons to whome it was referred to prepare and bring in a bill for ſetling the bounds of *King* and *Queen* and *Eſſex* Counties, had prepared the ſaid bill, which he preſented to the houſe, and the ſame was received.

A Bill Entituled *an act for ſetling the dividing Lines between the Counties of* Prince George, Surry, Iſle *of* Wight *and* Nanſemond *on the South ſide* black water *ſwamp* was read the ſecond time, and upon a motion made,

The Queſtion being put, That the bill be committed

It paſt in the Negative

Ordered That the ſaid bill be engroſſed

A Meſſage from the Councill, by Mr *Robertſon*, that the Councill have made the amendment ſent to them by this houſe to the bill Entituled *an Act for Laying an impoſition upon Liquors & Slaves* and have paſſed the bill accordingly, which amendment being read, was agreed unto by the houſe

Reſolved That the houſe will to morrow morning reſolve it ſelf into a Comittee of the whole houſe upon the bill Entituled *an Act for Eſtabliſhing Ports and townes*

And then the houſe adjourned till to morrow morning nine a Clock

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Fryday May ye 24th 1706

A BILL Entituled *an act continuing the act directing ye building the Capitol and the City of* Williamſburgh *with additions* was read the firſt time, and ordered to be read a ſecond time.

The houſe (according to order) reſolved it ſelf into a Comittee of ye whole houſe upon the bill Entituled *an act for Eſtabliſhing ports and townes*, and after ſome time ſpent therein Mr *Speaker* reſum'd the Chair, and Mr *Randolph* reported from the

the ſaid Comittee, that they had made ſome progreſs in the bill, and directed him to move, that they may have Leave to ſet againe

Reſolved That The houſe will again reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill

Ordered That Mr *Robert Beverley*, Mr *Edwards*, Mr *Wm Robinſon*, Mr *McCarty*, Mr *Francis Merriwether* and Mr *Eskridge* do examine the ſeveral inrolled bills with the Engroſſed bills.

Mr *John Weſt* moving for Leave to be abſent from ye Service of the houſe till *tueſday* next upon Extraordinary Occaſions Leave is accordingly given him

And then the houſe adjourned till to morrow morning nine a Clock

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Saturday May the 25th 1706

MR. *Robert Beverley* reported yt the perſons appointed had (according to order) examined ſeventeen inrolled bills, and yt they did agree with the engroſſed bills

Ordered That the perſons appointed to examine ye ſaid bills do carry them to the Councill for their Examination and peruſal

Mr *Sullivan* and Mr *Gaddis* ſeverally moving for Leave to go into the Countrey upon extraordinary occaſions, Leave is accordingly given them

Ordered That they attend ye Service of ye houſe again on *Wedneſday* next.

Mr *Hodges* moving for Leave to go into the Countrey upon Extraordinary occaſions, Leave is accordingly given him.

Ordered That he attend the ſervice of the houſe again on *Munday* come ſeven night.

Mr *Bird* and Mr *Anthony Armſtead* ſeverally moving for Leave to go into the Countrey upon Extraordinary occaſions, Leave is accordingly given them.

Ordered That they attend ye Service of ye houſe again on *Tueſday* next

A Meſſage from the Councill by Mr *Robertſon*, that the Councill have examined the ſeveral enrolled bills ſent to them by this houſe.

A meſſage from his Exčy by Mr *Robertſon*.

Mr *Speaker*

His Exčy commands the immediate attendance of this houſe upon him in the Councill Chamber, and that you bring with you ſuch Bills, as are ready, for his aſſent; And Mr *Speaker*, with the houſe, went to attend his Exčy accordingly.

And being returned:

Mr *Speaker* reported that his Exčy had been pleaſed to paſs the ſeveral bills following (*Viz*t)

An Act for Laying an impoſition upon Liquors and Slaves.

An Act for Regulating the Election of Burgeſſes for ſetling their Priviledges, and for aſcertaining their allowances.

An Act preſcribing the method of appointing Sherrifs and for Limiting the time of their continuance in office, and directing their duty therein

An Act declaring who ſhall not bear office in this Countrey.

An Act againſt importing Tobacco from Carolina *and other parts without the Capes of* Virginia

An Act for aſcertaining the gage of Barrels for pork, Beef, tarr, and pitch

An Act concerning tythables.

An act concerning publiq claimes

An act concerning the Collection of the publiq and County Levies, and for the better payments of the ſame to the reſpective Creditors therein concerned.

An act directing ye building and maintaining of priſons, pillories, whipping poſts, Stockes and ducking ſtooles in every County, and for ſetling the rules of priſons.

An act for ye Speedy & eaſie proſecution of Slaves committing capital Crimes.

An

An act to prevent the Clandeſtine tranſportation or carrying of perſons in debt ſervants & Slaves out of this Colony

An act concerning waiſts and Strayes

An Act againſt ſtealing hogges.

Act Act for prevention of treſpaſſes by unruly horſes, Cattle, Hogges, ſheep and Goates, and by taking away boates and Canoes.

An act giving a reward for killing of Woolves

An act for Encouragement of the Land frontiers

The petition of Mr *Robert Beverley* and others being referr'd from his Exčy and Councill to the Conſideration of this houſe was read, praying yt ye bricks of ye old ſtate houſe at *James Town*, may be aſſign'd for the building a Court houſe in the ſaid County: And thereupon

Ordered That the bricks of the old ſtate houſe at *James Town* be appropriated to the uſe of *James City* County for the building a Court houſe in the ſaid County, and that no perſon preſume to make uſe of the ſaid bricks, on any other account whatſoever.

The houſe (according to order) reſolved it ſelf into a Comittee of the whole houſe upon his Exčys meſſage on the twenty ſecond inſtant, and after ſome time ſpent therein, Mr *Speaker* reſum'd the Chair, and Mr *Peter Beverley* reported from the ſaid Comittee, that they had come to ſeveral Reſolutions which he read in his place, and then delivered in at the table, where the ſame were again read, and agreed unto by the houſe, and are as follows (*Viz*t)

Reſolved That it is convenient a Select Comittee be appointed to prepare a ſuitable anſwer in writing to his Exčys meſſage of the twenty ſecond inſtant, and that it be given as an inſtruction to the ſaid Comittee in the ſaid anſwer to ſet forth the preſent inability of the Country, and how incapable it is to raiſe any money for building of fortifications.

Reſolved That a neceſſary ſupply of ammunition be from time to time provided out of the duty of fifteen pence per tonn, which was Originally raiſed for uſes of that nature

Ordered That Mr *Robert Beverley*, Mr *Harriſon*, Mr *Bland*, & Mr *Ball* do prepare an anſwer to his Exčys meſſage according to the ſaid reſolves

Ordered That Mr *Robert Beverley*, Mr *Marable*, Mr *Eskridge*, & Mr *Taylor* do carry a Coppy of the Order of this houſe relating to the bricks of the old ſtate houſe at *James town* to the Councill and deſire their concurrence thereto

The houſe (according to order) was call'd and the abſcence of thoſe members, that did not appear excuſed.

And then the houſe adjourned till *Munday* morning ten a Clock

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Munday May the 27th: 1706

A BILL Entituled *an act for Naturalization* was read the firſt time and ordered to be read a ſecond time.

An Engroſſed bill Entituled *an act for Eſtabliſhing the County Courts for regulating and ſetling the proceedings therein, and directing the manner of granting probates of Wills, & Adminiſtration of inteſtates Eſtates* was read the third time.

Reſolved That the bill do paſs.

An Engroſſed bill Entituled *an act for the better ſecuring the Liberty of the ſubject* was read the third time.

Reſolved That the Bill do paſs

Ordered That Mr *Miles Cary*, Mr *Hill*, Mr *Edwards*, Mr *Chriſtopher Robinſon*, Mr *Eskeridge*, and Mr *Gouldman* do carry the ſaid bills to the Councill, and deſire their Concurrence thereto, and alſo that they carry to the Councill the bill Entituled *an Act concerning Servants and Slaves*, and the bill Entituled *an act directing the manner of*

of

of Levying Executions, and for relief of poor prisoners for debt, and acquaint them, that the said bills are amended according to the amendments agreed to.

A member of the house moving for Leave to bring in a petition of Mr *Hugh Owen* in behalf of himself and others, Leave is accordingly given him, and the same was read praying to be heard, when the matter relating to some persons claiming right to Land, within the *Pomunky* Indians bounds comes under the Consideration of this house.

Resolved That this house will to morrow resolve it self into a Comittee of the whole house upon the bill Entituled *an act for prevention of misunderstandings between the tributary Indians and other her Mātys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatsoever*, and that Mr *Owen* be then heard according to the prayer of his petition.

The house (according to order) was called over and the abscence of those members that did not appear excused

And then the house adjourned till to morrow morning nine a Clock

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Tuesday May the 28th 1706

MR. *Epps* and Mr *Hill* severally moving for Leave to be absent from the service of the house till *Munday* next, Leave is accordingly given them

A Bill Entituled *an act Laying an imposition upon Skins and furrs for the better support of the Colledge of* William & Mary *in* Virginia was read the first time, and ordered to be read a second time

A Bill Entituled *an Act for setling the bounds of* King & Queen *and* Essex *Counties*, was read ye first time, & ye Question being put That the bill be read a second time

It past in the Negative—And thereupon

Ordered That the said bill be rejected

A Bill Entituled *an act for Naturalization* was read the Second time

Ordered That the said bill be Engrossed.

A message from the Council by Mr *Robertson* yt ye Councill have passed the two following bills as amended, *Vizt*

A Bill Entituled *an act directing the manner of Levying Executions and for relief of poor Prisoners for debt*, and

A Bill Entituled *an act concerning Servants and Slaves.*

Also, that the Councill have agreed to the bill, Entituled *an act directing the duty of Surveyors of Land, and ascertaining their fees* with some amendments to which they desire ye Concurrence of this house

A Bill Entituled *an act confirming ye naturalization of* Joshua Mulder *and others* was read the second time

Ordered That the said bill, be Engrossed

The Petition of Mr Secretary *Jenings* being referr'd by ye Councill to the consideration of this house was read, praying allowance for five hundred seventy two military commissions, or yt it may be declared, how he shall be paid for the same

Ordered That ye said petition do Lye upon the table.

The several petitions of *George Shilling, William Reynolds, Michael Wardrop* and *John Fox* being brought in with ye Leave of this house were severally read praying, that they may be heard by their Councill at the barr of the house what they have to offer against the bill for prevention of misunderstandings between the tributary Indians, and other her Mātys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatsoever, before the bill do pass. And thereupon

Ordered That they have Leave to be heard to manifest their Rights to the Lands mentioned in their several petitions, when the said bill is considered by the Comittee of the whole house

Mr

Mr *Peter Beverley* reported, yt the Comittee of Propoſitions and Grievances, had according to order prepared ſeveral bills to wit

A Bill to prevent Ships ſailing in contempt of Embargoes.

A Bill to prevent Indians hunting & ranging upon patented Lands.

A Bill for Enlarging the power of ye Sherrif attending the general Court.

A Bill making the *French* Refugees inhabiting at ye *Manakin* town and ye parts adjacent a diſtinct pariſh by themſelves, & exempting them from the payment of publiq and County Levies until the 25th day of *December* 1708

A Bill for ye better ſtrengthening ye Land frontiers, and diſcovering the approaches of an Enemy.

A Bill for reſtraining & puniſhing of Pyrates and ſea robbers.

Which he preſented to the houſe, and the ſame were received

A Bill Entituled *an act declaring the Negroe, Mulatto and Indian Slaves, within this dominion to be real Eſtate* was read ye ſecond time, and committed to a Comittee of ye whole houſe for amendments.

A Bill Entituled *an act for ſetling the dividing Lines between yr Counties of* Prince George, Surry, Iſle *of* wight *and* Nanſemond *on the South ſide* black water *Swamp* was read, ye third time, and upon the Queſtion put

Reſolved That the bill do paſs

Ordered That Mr *Harriſon*, Mr *Bland* Mr *Edwards*, & Mr *Francis Merriwether* do carry the ſaid bill to the Councill, and deſire their Con'rence thereto.

The houſe proceeded to take into conſideration the amendments propoſed by the Councill to ye bill Entituled *an act for making clearing and repairing the high wayes, and for clearing the rivers & Creeks*, and the ſame being read, and the two firſt agreed to, a motion was made, and the Queſtion put, that the houſe Reſolve it ſelf into a Comittee of the whole houſe upon the other of ye ſaid amendments and

It paſt in the Negative.

Then ye houſe proceeded on ye Conſideration of ye ſaid amendments and the ſame being ſeverally read, were agreed unto by, ye houſe and made in the bill

The houſe proceeded to take into conſideration the amendments propoſed by the Councill to the bill Entituled *an act directing the duty of Surveyors of Land, and aſcertaining their fees*, and the ſame being read were agreed unto by the Houſe, and made in the bill

The houſe proceeded to take into Conſideration the amendments propoſed by the Councill to the bill Entituled *an act for ſetling the Militia* and the ſame being read, and the firſt diſagreed to, upon a motion made, the houſe reſolved it ſelf into a Comittee of the whole houſe upon the other of the ſaid amendments, and after ſome time ſpent therein Mr *Speaker* reſumed the Chair, and Mr *Miles Cary* reported from the ſaid Comittee, that they had come to ſeveral Reſolutions thereon which he read in his place, and then delivered in at the table, where the ſame being again read, and agreed unto by the houſe, part of the ſaid amendments were agreed without amendments, and part with, & the other diſagreed unto.

Ordered That Mr *Robt Beverley* Mr *N: Merriwether*, Mr *Eskeridge*, Mr *Bridger*, and Mr *Maſon* of *Norfolk* do carry to the Councill ye bill Entituled *an act for making, clearing and repairing the high wayes, and for clearing the Rivers and Creekes*, and the bill Entituled *an act directing the duty of Surveyors of Land, and aſcertaining their fees*, and acquaint them, yt this houſe hath agreed to the amendments propoſed by them to the ſaid bill, and that the bills are amended accordingly.

And alſo, that they carry to the Councill ye bill Entituled *an act for ſetling the Militia*, and acquaint them, that this houſe hath agreed to part of the amendments propoſed by them to the ſaid bill, without amendments, and to part with, and to part diſagreed, and deſire their Honours to paſs ye bill with the amendments, as they are agreed unto by this houſe.

The

The houſe (according to order) reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an Act for prevention of miſunderſtandings, between the tributary Indians and other her Mãtys ſubjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever*, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair, and Mr *Peter Beverley* reported from the ſaid Comittee, that they had had under their Conſideration the ſeveral petitions to them referr'd, and had come to two reſolutions upon one of them, which he read in his place, and then delivered in at the table, where ye ſame were again read, and agreed unto by the houſe and are as follow *Viz*t

Reſolved That Mr *Henry Fox* ſhall have Liberty to give Evidence upon ye petition of his ſon *John Fox* in Caſe he will draw up his teſtimony in writing and make Oath to the truth thereof before a Juſtice of the peace, and before that give Notice to Mr *Hugh Owen*, ſo as he may be by when he makes ſuch Oath, and put ſuch Queſtions as he thinks fit to be then anſwered by the ſaid *Henry Fox* upon Oath alſo, and that without his affidavit be ſo made, his Evidence ſhall not be received.

Reſolved That Mr *John Weſt* make Oath to the Evidence, yt he ſhall give upon the petition of *John Fox* in ye manner preſcribed for Mr *Henry Fox* to make oath, and yt in caſe, ye ſaid *John Weſt* or the ſaid *Henry Fox* or either of them refuſe to give their Evidence upon Oath, ye ſaid petition of *John Fox* ſhall be diſmiſt.

Ordered That the ſaid affidavits be given in to morrow by twelve a Clock.

And then Mr *Peter Beverley* acquainted the houſe yt he was directed by ye Comittee to move, that they may have Leave to ſit againe.

Reſolved That this houſe will to morrow reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill.

Mr *John Fox* was called into the houſe, & acquainted with the reſolutions of this houſe upon his petition, and then he withdrew.

The houſe adjourned till to morrow morning nine a Clock.

Wedneſday May the 29th: 1706

A BILL Entituled *an act making* ye french *Refugees inhabiting at* ye Manakin *town and the parts adjacent a diſtinct pariſh by themſelves, and exempting them from* ye *payment of publiq and County Levies untill* ye *25*th *day of* December *1708* was read the firſt time, and ordered to be read a ſecond time.

The houſe (according to order) reſolved it ſelf into a Comittee of ye whole houſe upon the bill Entituled *an act for prevention of miſunderſtandings, between the tributary Indians and other her Mãtys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever*, and after ſome time ſpent therein Mr *Speaker* reſumed the Chair, and Mr *Peter Beverley* reported from ye ſaid Comittee, yt they had agreed upon a Clauſe to be inſerted in the ſaid bill, which he read in his place, and then delivered in at the table, where the ſame being again read, and agreed unto by the houſe, was inſerted in the bill, and twice read

Ordered That the ſaid bill with the Clauſe be Engroſſed

A Member of the houſe moving for Leave to bring in the Claimes of Mr Secretary *Jennings*, and Mr *Thomas Barbar*, Leave is accordingly given him, and the ſame, being read, were referred to the Conſideration of the Comittee for publiq Claimes to report their Opinions therein.

Ordered That the Comittee for publiq Claimes do make their Report to morrow of the ſeveral matters to them referred

And then the houſe adjourned till to morrow morning nine a Clock.

Thurſday

Thurſday May the 30th 1706

A BILL Entituled *an act to prevent ſhips Sailing in Contempt of Embargoes*, was read ye firſt time, & ordered to be read a ſecond time.

A Bill Entituled *an act to prevent Indians hunting & ranging upon patented Lands* was read ye firſt time, & ordered to be read a ſecond time

A Bill Entituled *an act for Enlarging ye power of ye Sherrif attending ye general Court*, was read ye firſt time, & ordered to be read a ſecond time

A meſſage from ye Councill by Mr *Robertſon* yt ye Councill have paſſed the two following bills as amended *Viz*t

A Bill Entituled *an act directing ye duty of Surveyors of Land. and aſcertaining their fees.*

A Bill Entituled *an act for making, clearing and repairing the high wayes, and for clearing Rivers and Creekes*

Alſo that the Councill have agreed to the bill Entituled *an act for ye better Securing ye Liberty of ye Subject* without any amendments.

Alſo yt the Councill have agreed to the order of this houſe relating to ye bricks of ye old ſtate houſe at *James towne*

Mr *Miles Cary* from the Comittee of publiq Claimes reported yt ye ſaid Comittee had taken into Conſideration ye ſeveral Claimes to them referred, and therein had agreed upon ſeveral Reſolutions, which they had entered into a book called ye book of reports of the Comittee for publiq Claimes, and directed him to report to the houſe, as alſo yt ye ſaid Comittee had according to order prepared a bill appointing a treaſurer, both which he preſented to the houſe, and ye ſame were received.

The houſe proceeded to take into Conſideration ye amendments propoſed by ye Councill to ye bill Entituled *an act concerning the Church Clergy, and other parochial affaires*, and ye ſame being read, Some of them were agreed and the others diſagreed unto.

Upon a motion made

The houſe was call'd over, And thereupon

Ordered That Mr *Marable*, Mr *Gaddis*, Mr *Harry Beverley*, & Mr *Gouldman* be taken into Cuſtody of the meſſenger to anſwer their defaults in not attending (according to their duty) ye Service of the houſe.

Ordered That Mr *Miles Cary*, Mr *Bland*, Mr *Nicholas Merriwether*, and Mr *Hack* do carry to the Councill the bill Entituled *an act concerning ye Church Clergy, and other parochial affaires*, and acquaint them, that this houſe hath agreed to ſome of the amendments propoſed by them to the ſaid bill, and to the other diſagreed, and deſire their Honours to paſs the bill without thoſe amendments, which this houſe hath not agreed to

The anſwer of Mr *Attorney general* to ye Report of ye Comittee appointed to enquire into his practice and behaviour was preſented to ye houſe, and ye ſame being received, was read & ordered to lye upon the table.

Ordered That the Conſideration of ye Report of ye ſaid Comittee be referred till this houſe ſhall think fit to call for the ſame.

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an act declaring the negroe Mulatto and Indian Slaves within this dominion to be real Eſtate*, and after ſome time ſpent therein, Mr *Speaker* reſumed ye Chair, and Mr *Rob*t *Beverley* reported from the ſaid Comittee, that they had gone thrô the bill, and agreed upon ſeveral amendments to be made therein, which he read in his place, and then delivered in at the table where the ſame being again read, and agreed unto by ye houſe, were made in the bill and twice read

Ordered That the ſaid bill, with the amendments be Engroſſed

Upon a motion made

Ordered That Mr *Marable* be diſcharged out of Cuſtody paying five ſhillings fees,

The

The houſe reſolved it ſelf into a Comittee of ye whole houſe upon the bill Entituled *an act for the diſtribution of Inteſtates Eſtates declaring Widdows rights to their deceaſed Huſbands Eſtates & for ſecuring Orphans Eſtates*, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair, and Mr *Robt Beverley* reported from the ſaid Comitted, y^t^ they had made ſome progreſs in the bill, and directed him to move y^t^ they may have Leave to ſit againe.

Reſolved That the houſe will again reſolve it ſelf into a Comittee of ye whole houſe upon the ſaid bill

An Engroſſed bill Entituled *an Act for Naturalization* was read ye third time.

Reſolved That the bill do paſs

An Engroſſed bill Entituled *an act confirming ye naturalization of* Joſhua Mulder, *and others* was read the third time

Reſolved That ye bill do paſs

Ordered That Mr *Robt Beverley*, Mr *Edwards*, Mr *Ball*, & Mr *Sullivan*, do carry the ſaid bills to the Councill, and deſire their concurrence thereto.

Upon a motion made

Ordered That Mr *Gaddis*, Mr *Gouldman*, & Mr *Harry Beverley* be diſcharged out of Cuſtody each of them paying five ſhillings fees

And then the houſe adjourned till to morrow morning nine a Clock

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Fryday May the 31^ſt^ 1706

MR. *Thorowgood* moving for Leave to go into the Countrey for recovery of his health Leave is accordingly given him.

Ordered That he return to the Service of the houſe again, ſo ſoon as he conveniently can.

Mr *Taylor* moving for Leave to be abſent from y^e^ ſervice of the houſe till *Wednesday* next upon Extraordinary Occaſions, Leave is accordingly given him.

A bill Entituled *an act for ye better ſtrengthening ye Land frontiers and diſcovering ye approaches of an Enemy* was read ye firſt time, and ordered to be read a ſecond time

A Bill Entituled *an act appointing a treaſurer* was read ye firſt time, and ordered to be read a ſecond time.

A Bill Entituled *an act for reſtraining and puniſhing of pyrates and Sea Robbers* was read ye firſt time and ordered to be read a ſecond time.

A Bill Entituled *an act for Enlarging the power of ye Sherrifs, attending ye general Court* was read the ſecond time.

Ordered That y^e^ ſaid bill be Engroſſed.

A Bill Entituled *an act to prevent Indians hunting & ranging upon patented Lands* was read the ſecond time, and comitted to a Comittee of ye whole houſe for amendments.

A Bill Entituled *an Act to prevent ſhips ſailing in contempt of Embargoes* was read the ſecond time.

Ordered That y^e^ ſaid bill be Engroſſed

A Bill Entituled *an act making the* french *Refugees inhabiting at the* Manakin *town, and the parts adjacent, a diſtinct pariſh by themſelves, and exempting them from the payment of publiq and County Levies*, until ye 25th day of *December* 1708. was read y^e^ ſecond time.

Ordered That the ſaid bill be Engroſſed.

A Bill Entituled *an act Laying an impoſition upon Skins and furrs for ye better ſupport of the Colledge of* William *and* Mary *in* Virginia was read the ſecond time.

Ordered That the ſaid bill be Engroſſed

An Engroſſed Bill entituled *an act for prevention of miſunderſtandings between the tributary Indians, and others her Mātys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever* was read the third time.

Reſolved That the bill do paſs

An

An Engroſſed bill Entituled *an act declaring the Negro, Mulatto and Indian Slaves within this dominion to be real Eſtate* was read the third time.

Reſolved That the bill do paſs.

Ordered That Mr *Randolph*, Mr *Peter Beverley*, Mr *Miles Cary*, Mr *Robert Beverley*, Mr *Harriſon*, Mr *Bland*, Mr *William Robinſon* Mr *Chriſtopher Robinſon* Mr *McCarty* and Mr *Ball* do carry the ſaid bills, to the Councill, and deſire their Concurrence thereto.

The houſe reſolved it ſelf into a Comittee of the whole houſe upon ye bill Entituled *an act for Eſtabliſhing Ports and townes*, and after ſome time ſpent therein, Mr *Speaker* reſumed ye Chair, and Mr *Randolph* reported from the ſaid Comittee yt they had made ſome progreſs in the bill, and directed him to move, that they may have Leave to ſit againe

Reſolved That the houſe will again reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill

The houſe reſolved it ſelf into a Comittee of ye whole houſe upon the bill Entituled *an act to prevent Indians hunting and ranging upon pattented Lands*, and after ſome time ſpent therein Mr *Speaker* reſumed ye Chair and Mr *Miles Cary* reported from ye ſaid Comittee, yt they had gone thrô the bill and agreed upon an amendment to be made therein, which he read in his place, and then delivered in at the table, where ye ſame being again read and agreed unto by ye houſe, was made in the bill, & twice read.

Ordered That the ſaid bill with the amendment be engroſſed.

Mr *Ranſom* moving for Leave to go into the Countrey for recovery of his health, Leave is accordingly given him.

A Bill Entituled *an act for confirming titles to town Lands* was read the ſecond time, and committed to the Comittee of publiq claimes for amendments

And then the houſe adjourned till to morrow morning nine a Clock

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Saturday June the firſt 1706

MR. *William Armſtead* moving for Leave to be abſent from the ſervice of the houſe on *Munday* next upon Extraordinary Occaſions, Leave is accordingly given him.

Ordered That the Report of the Comittee for publiq Claimes be taken into Conſideration on *Thurſday* next.

A Bill Entituled *an act for reſtraining and puniſhing of Pyrates and Sea Robbers* was read the ſeeond time

Ordered That the ſaid bill be Engroſſed

A Bill Entituled *an Act for the better ſtrengthening the Land frontiers & diſcovering ye approaches of an Enemy* was read ye ſeeond time. And Upon a motion made, the Queſtion being put.

That the bill be eommitted

It paſt in the Negative

Then the Queſtion was put

That the bill be Engroſſed, and

It paſt in the Negative, And thereupon

Ordered That the ſame be daſhed[1]

A Bill Entituled *an act appointing a treaſurer* was read the ſecond time, and eommitted to a Comittee of the whole houſe, and thereupon the houſe reſolved it ſelf into the ſaid Comittee, and after ſome time ſpent therein, Mr *Speaker* reſumed the ehair, and Mr *Miles Cary* reported from the ſaid Comittee, that they had gone thrô the bill and agreed upon ſeveral amendments, to be made therein, which he read in his place, and then delivered in at the table, where the ſame being again read, and agreed unto by the houſe were made in the bill

Ordered That the ſaid Bill be engroſſed, as it is amended.

An

[1] That is, ſtruck out.

An Engroſſed bill Entituled *an act to prevent ſhips ſailing in contempt of Embargoes* was read the third time

Reſolved That the bill do paſs.

An Engroſſed bill Entituled *an act for Enlarging the power of the Sherrif attending ye general Court* was read the third time.

Reſolved That the bill do paſs

An Engroſſed Bill Entituled *an act to prevent Indians hunting & ranging upon pattented Lands* was read the third time.

Reſolved That the bill do paſs.

An Engroſſed bill Entituled *an act Laying an impoſition upon Skins and furrs for the better ſupport of the Colledge of* William & Mary was read the third time

Reſolved That the bill do paſs.

A Engroſſed bill Entituled *an act making the* french *Refugees inhabiting at the* Manakin *town, and the parts adjacent a diſtinct pariſh by themſelves, and exempting them from the payment of publiq and County Levies until ye 25th day of* December *1708* was read ye third time.

Reſolved That the bill do paſs

Ordered That Mr *William Robinſon*, Mr *Nicholas Merriwether*, Mr *Leiſter*, M^r^ *Maſon* of *Norfolk*, Mr *Neal* and Mr *Wife* do carry the ſaid bills to ye Councill, & deſire their concurrence thereto.

The houſe (according to order) was call'd over, and the abſcence of thoſe members, that did not appear excuſed.

Upon a motion made

Ordered That the Comittee of Propoſitions and Grievances do prepare and bring in a bill for continuing of Aſſemblies, and to prevent ye diſcontinuance of proceedings at Law in this Countrey upon the demiſe of the Queen her Heires or Succeſſors

A Member of the houſe moving for Leave to bring in a bill according to the ſeveral Petitions of ye inhabitants of ye Lower part of *Wilmington* Pariſh, and ye Veſtry of *James City* pariſh praying that that part of y^e^ ſaid pariſh of *Wilmington* may be joind to the ſaid pariſh of *James City*, Leave is accordingly given, and

Ordered That Mr *Robt Beverley*, Mr *Marable*, and Mr *Gaddis* do prepare and bring in the ſaid bill

A Member of the houſe moving for Leave to bring in a petition of *Henry Duke* Eſq^r^ and others Veſtry men, and inhabitants of *Wilmington* pariſh, Leave is accordingly given him, and y^e^ ſame being read, praying, that all proceedings upon the aforeſaid petitions may be ſtopped, until the next Seſſion of Aſſembly, that they may be heard before the houſe concerning the ſame, after a debate thereupon, and ye Queſtion being put

That a time be ſet for ye Veſtry of *Wilmington* pariſh to give their Reaſons to this houſe againſt the petition of the Church wardens of *James City* pariſh for a new ſettlement of the bounds of that pariſh

It paſt in the Negative—And thereupon

Ordered That the ſaid petition do Lye upon the table to be conſidered after the bill concerning that matter is brought in

And then the houſe adjourned till *Munday* morning ten a Clock

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Munday June the 3^d^ 1706

A BILL Entituled *an act continuing ye act directing ye building the Capitol, and the City of* Williamſburgh *with additions* was read the ſecond time.

Ordered That the ſaid Bill be Engroſſed

An Engroſſed Bill Entituled *an act for reſtraining & puniſhing of Pyrates and Sea Robbers* was read the third time

Reſolved That the bill do paſs

An

An Engroſſed bill Entituled *an act appointing a treaſurer* was read the third time.

Reſolved That the bill do paſs.

Ordered That Mr *Miles Cary*, Mr *Taylor*, Mr *Bland*, Mr *Ball* Mr *Bridger* and Mr *Moſely* do carry the ſaid bill to the Councill and deſire their concurrence thereto

The houſe (according to order) was called over, and the abſcence of thoſe members that did not appear excuſed.

And then the houſe adjourned till to morrow morning nine a Clock

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Tueſday June the 4th 1706

MR. *Miles Cary* from the Comittee of publiq claimes to whom the bill Entituled *an act for confirming titles to town Lands* was committed, reported, yt ye ſaid Comittee had agreed upon a Clauſe to be inſerted in the bill which he read in his place, and then delivered in at the table, where ye ſame being again read, was ordered to lye upon the table.

A meſſage from the Councill by Mr *Robertſon*, yt ye Councill have agreed to ye bill Entituled *an act concerning the granting, ſeating and planting and for ſetling the titles and bounds of Lands, and for preventing unLawfull ſhooting and ranging thereupon* with ſome amendments to which they deſire ye concurrence of this houſe.

The houſe reſolved it ſelf into a Comittee of ye whole houſe upon the bill Entituled *an Act for Eſtabliſhing ports & townes* and after ſome time ſpent therein Mr *Speaker* reſumed the Chair and Mr *Randolph* reported from ye ſaid Comittee yt they had gone thrô ye bill, and agreed upon ſeveral amendments to be made therein, which he read in his place, and then delivered in at the table, where the ſame being again read were (with amendments to ſome of ye ſaid amendments) agreed unto by ye houſe

Ordered That the bill be amended according to the ſaid amendments, and read a ſecond time.

A meſſage from the Councill, by Mr *Robertſon* that the Councill have agreed to the bill Entituled *an Act to prevent ſhips ſailing in contempt of of Embargoes* without any amendments.

Alſo that the Councill have agreed to the bill Entituled *an act confirming ye naturalization of* Joſhua Mulder, *and others* without any amendments.

Alſo that the Councill have agreed to the bill Entituled *an act for naturalization* without any amendments

Alſo yt ye Councill have agreed to the bill Entituled *an act Laying an impoſition upon Skins and furrs for ye better ſupport of ye Colledge of* William *and* Mary *in* Virginia without any amendments

Alſo yt ye Councill have agreed to ye bill Entituled *an Act making ye* french *Refugees inhabiting at ye* manakin *towne, and ye parts adjacent, a diſtinct pariſh by themſelves, and exempting them from ye payment of publiq and County Levies, untill ye twenty fifth day of* December *1708* without any amendments.

Alſo yt ye Councill have agreed to the bill Entituled *an act for ſetling ye dividing Lines between ye Counties of* Prince George Surry, Iſle *of* wight, *and* Nanſemond with an amendment to which they deſire the Concurrence of this houſe

Alſo yt ye Councill have agreed to the bill Entituled *an act to prevent Indians hunting and ranging upon pattented Lands* with ſome amendmends to which they deſire the concurrence of this houſe.

Alſo yt the Councill have agreed to the bill Entituled *an act for Enlarging ye power of the Sherrif attending ye general Court* with ſome amendments to which they deſire ye Concurrence of this houſe

Alſo yt the Councill have agreed to ye bill Entituled *an act declaring Negro, Mulatto and Indian Slaves within this dominion to be real Eſtate*, with an amendment to which they deſire ye concurrence of this houſe.

The

The houſe proceeded to take into conſideration ye amendment propoſed by ye Councill to ye bill Entituled *an act for ſetling the dividing Lines between ye Counties of* Prince George, Surry Iſle *of* wight *and* Nanſemond *on ye South ſide* black water *ſwamp*, and y^e^ ſame being read, was agreed unto by ye houſe and made in the bill.

The houſe proceeded to take into Conſideration ye amendm^ts^ propoſed by the Councill to ye bill Entituled *an act to prevent Indians hunting and ranging upon pattented Lands*, and y^e^ ſame being read were agreed unto by ye houſe and made in the bill.

The houſe proceeded to take into conſideration ye amendments propoſed by ye Councill to ye bill Entituled *an act for Enlarging ye power of ye Sherrif, attending ye general Court*, and y^e^ ſame being read, were agreed unto by ye houſe, & made in ye bill.

The houſe proceeded to take into conſideration ye amendment propoſed by ye Councill to ye bill Entituled *an Act declaring ye Negro, Mulatto and Indian Slaves within this dominion to be real Eſtate*, and y^e^ ſame being read was agreed unto by ye houſe and made in ye bill.

Ordered That Mr *Edwards*, M^r^ *McCarty*, Mr *Thomas Weſt*, and Mr *Bird* do carry the ſaid bills to ye Councill, and acquaint them, that this houſe hath agreed to ye amendments propoſed by them to y^e^ ſaid bills, and y^t^ they are amended accordingly.

A member of ye houſe moving for Leave to bring in a bill to explain part of an act of this preſent ſeſſion of Aſſembly Entituled *an Act directing ye manner of Levying Executions, & for relief of poor priſoners for debt*, Leave is accordingly given him, and thereupon he preſented y^e^ ſaid bill to ye houſe, which, being received, was read ye firſt time, and ordered to be read a ſecond time.

An Engroſſed Bill Entituled *an Act continuing ye act directing ye building the Capitol, and ye City of* Williamſburgh *with additions* was read ye third time

Reſolved That the bill do paſs.

Mr *Marable* moving for Leave to be abſent from ye Service of the houſe on *Thurſday* and *Saturday* next upon Extraordinary Occaſions, Leave is accordingly given him

A meſſage from ye Councill by Mr *Robertſon* y^t^ ye Councill have paſſed y^e^ ſeveral bills following, as amended. (*Viz^t^*)

A Bill Entituled *an act for ſetling ye dividing Lines between the Counties of* Prince George, Surry, Iſle *of* Wight *and* Nanſemond *on ye South ſide* black water *Swamp*.

A bill Entituled *an Act to prevent Indians hunting and ranging upon pattented Lands*.

A Bill Entituled *an Act for Enlarging ye power of ye Sherrif attending ye general Court, and of the Conſtables of* Bruton *pariſh*.

A Bill Entituled *an act declaring ye Negroe, Mulatto & Indian Slaves within this dominion to be real Eſtate*

An Engroſſed bill Entituled *an act for raiſing a publiq revenue for ye better ſupport of ye Government of this her Mātys Colony and Dominion of* Virginia *for aſcertaining the Sallary of the Councill, and repealing part of an act therein menc̄ond* was read ye third time, and upon ye Queſtion put an amendment made therein, and then upon a motion made

The Queſtion being put

That ye bill be recommitted

Reſolved in the affirmative

Then the houſe reſolved it ſelf into a Comittee of the whole houſe upon the recommitment of the ſaid bill, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair, and Mr *Peter Beverley* reported from y^e^ ſaid Comittee, y^t^ they had agreed upon ſome amendments to be made therein, which he read in his place, and then delivered in at the table, where the ſame being again read and agreed unto by the houſe were made in ye bill, and thrice read.

Reſolved That the bill do paſs as amended

Ordered That Mr *Robert Beverley*, Mr *Hill*, Mr *William Robinſon*, Mr *Nicholas Merriwether*, and Mr *Marable* do carry the bill which this day paſſed ye houſe to ye Councill & deſire their Concurrence thereto.

Upon

Upon a motion made, Leave is given to bring in a bill to repeal part of an act made at a general Aſſembly begun and held at *James City* ye Eighth day of *June* in ye year of o^r^ Lord God One thouſand Six hundred and eighty Entituled *an act of free and general pardon, Indemnity and Oblivion*

Ordered That Mr *Robert Beverley* and Mr *Nicholas Merriwether* do prepare, and bring in y^e^ ſaid bill

And then the houſe adjourned till to morrow morning nine a Clock.

Wedneſday June the 5th 1706

MR. *Robert Beverley* reported, y^t^ ye Perſons to whome it was referred to prepare and bring in a bill impowering *Rebecca Pinkethman* Widdow and Adminiſtratrix of *Timothy Pinkethman* deceaſed to ſell y^e^ ſaid decedents Land for payment of his debts had prepared y^e^ ſaid bill which he preſented to the houſe, and the ſame was received

Mr *Robt Beverley* reported y^t^ ye perſons appointed had (according to order) prepared a written meſſage to his Exc̄y, as an anſwer to his meſſage on the twenty ſecond of *May* Laſt, which he read in his place and then delivered in at the table, where y^e^ ſame being again read was agreed unto by ye houſe, and is as followeth

May it pleaſe Yo^r^ Exc̄y

Wee receive the greateſt of ſatisfaction in yor Exc̄ys prudent care and circumſpection, and return you our hearty thanks for ye great trouble you have under gone in ye midſt of ſo much buſineſs, to take a view of ſuch places, as might be made defenſible, and of importance for the ſecurity of the trade & Shipping in this Countrey.

But as for this Aſſemblies finding the meanes of rendring any ſuch Uſefull, Wee humbly take Leave to inform Yo^r^ Exc̄y, y^t^ by reaſon of the other publiq neceſſary charges wee lye under and the preſent Lowneſs of Tobacco which is all ye manufacture this Countrey depends upon, wee are in no capacity of raiſing more money for that Uſe

And as for providing the Countrey from time to time with ammunition, wee humbly remind Yo^r^ Exc̄y y^t^ ye duty of fifteen pence per tonn was Originally raiſed for uſes of that nature, and Wee hope may prove a ſufficient fund

And wee humbly hope y^t^ her Māty, who has been ſo gracious to other of her Plantations, as to apply to ſuch plantations uſe her whole fund of Quit rents therein, will be Likewiſe pleaſed to conſider o^r^ neceſſities, and ſupply ſuch Exigences out of that her Revenue in this Colony, when favourably repreſented to Yo^r^ Exc̄y

Ordered That y^e^ ſaid meſſage be fairly tranſcribed and ſigned by Mr *Speaker*, and that Mr *Robert Beverley*, Mr *Bland*, Mr *Ball*, Mr *William Robinſon*, Mr *Francis Merriwether*, Mr *John Weſt* and Mr *Anthony Armſtead* do carry the ſame to his Exc̄y.

A meſſage from the Council by Mr *Robertſon*, That the Councill deſire a free conference with this houſe at one a Clock this afternoon on the ſubject matter of ye amendments propoſed to the bill Entituled *an Act concerning ye Church Clergy and other parochial affaires*, and have appointed four of their members to manage the ſaid Conference with ſuch a Number of Burgeſſes, as this houſe ſhall think fit, which conference being agreed to

Mr *Randolph*.....Mr *Bland*
Mr *Peter Beverley*.....Mr *Marable*
Mr *Miles Cary*.....Mr *Nicholas Merriweather*
Mr *Barbar*.....Mr *William Armſtead*

Were appointed managers for ye houſe in the ſame, and ordered to attend ye Councill, at the time and place by them appointed.

Ordered That, Mr *Miles Cary*, Mr *Bland*, Mr *Marable* and Mr *Nicholas Merriwether* do go to the Councill, and acquaint them y^t^ ye houſe (according to their deſire) have agreed

agreed to a free conference on ye Subject matter of ye amendments propoſed to the bill, Entituled *an act concerning ye Church Clergy, and other parochial affaires*, and have appointed managers accordingly

Mr *Peter Beverly* reported y^t^ ye Comittee of Propoſitions and Grievances had (according to order) prepared two bills, to wit,

A Bill for ſecurity and defence of ye Countrey in times of danger.

A Bill for removing Criminals from ye Goales of ye Counties, where they ſhall be apprehended to the publiq Goal at *Williamſburgh* whieh he preſented to ye houſe, and y^e^ ſame were received

The houſe proceeded to take into conſideration ye amendments propoſed by ye Couneill to the bill Entituled *an act concerning ye granting, Seating and planting, and for ſetling ye titles and bounds of Land, and for preventing un Lawfull ſhooting, and ranging thereupon*, and y^e^ ſame being read, a motion was made, and ye Queſtion put, y^t^ ye houſe reſolve it ſelf in to a Comittee of the whole houſe, upon y^e^ ſaid amendments, and it paſt in ye negative

Then the houſe proceeded to ye conſideration of y^e^ ſaid amendments, and ye Same being ſeverally read, were agreed unto by the houſe, and made in ye bill.

Ordered That Mr *Peter Beverley*, Mr *Epps*, Mr *Bland*, Mr *Harry Beverley*, Mr *Nathanael Weſt* and Mr *Sullivan* do carry y^e^ ſaid bill to ye Couneill, and aequaint them, that this houſe hath agreed to the amendments, propoſed by them to the ſaid bill, and that the ſame is amended aceordingly.

A Bill Entituled *an act for ſecurity and defence of ye Countrey in times of danger* was read ye firſt time, and ordered to be read a ſeeond time.

A Bill Entituled *an act for Removing Criminals from ye Goales of ye Counties, where they ſhall be apprehended to ye publiq Goal at* Williamſburgh was read ye firſt time, and ordered to be read a ſecond time.

A Bill Entituled *an act impowering* Rebecca Penkethman *Widdow and Adminiſtratrix of* Timothy Penkethman *deceaſed to ſell y^e^ ſaid decedents Land for payment of his debts* was read ye firſt time, and ordered to be read a ſeeond time.

A Bill Entituled *an act to explain part of an act of this preſent Seſſion of Aſſembly, Entituled an act directing ye manner of Levying Executions, and for relief of poor Priſoners for debt* was read the ſecond time

Ordered That y^e^ ſaid bill be Engroſſed.

And then the houſe adjourned till to morrow morning nine a Cloek.

Thurſday June the 6th 1706

A BILL Entituled *an act for ſecurity and defence of ye Countrey in times of danger* was read the ſecond time

Ordered That y^e^ ſaid Bill be Engroſſed

A Bill Entituled *an act for removing Criminals from the Goales of ye Counties, where they ſhall be apprehended to ye publiq Goal at* Williamſburgh was read y^e^ ſecond time

Ordered That y^e^ ſaid bill be Engroſſed

A Bill Entituled *an act impowering* Rebecca Penkethman *widdow and Adminiſtratrix of* Timothy Penkethman *deceaſed to ſell y^e^ ſaid decedents Land for payment of his debts*, was read y^e^ ſecond time, and committed for amendments to Mr *Miles Cary*, Mr *William Robinſon*, and M^r^ *McCarty*, and ordered y^t^ they enquire into ye truth of ye allegations ſet forth in ye petition on which y^e^ ſaid bill was brought in, and report the ſame to the houſe

The houſe proceeded to take into Conſideration ye amendments agreed on by ye Comittee for publiq claimes to be inſerted in the bill Entituled *an act confirming titles to town Lands*, and y^e^ ſame being read, the bill was recommitted to the ſaid Comittee for further amendments.

Mr *Peter Beverley* reported y^t^ ye Comittee of propoſitions and Grievances had (according to order) prepared a bill for ye continuing of general Aſſemblies in caſe of

the

the death or demiſe of her Mãty her Heires or Succeſſors, and for making valid all acts of ye Governour and Council, and all judgements and proceedings at Law which ſhall happen between the death of any King or Queen of *England*, and ye notification thereof in this Countrey, which he preſented to ye houſe, and y^e^ ſame was received

Mr *Randolph* from ye free Conference with the Councill on ye Subject matter of ye amendments propoſed by them to the bill Entituled *an act concerning ye Church Clergy, and other parochial affaires* reported ye Subject matter of y^e^ ſaid conference and thereupon, the houſe proceeded to take the ſame into Conſideration, and y^e^ ſaid amendments being ſeverally read ye houſe agreed to ſome of them, and to the other, inſiſted upon their diſagreeing

Ordered That Mr *Peter Beverly*, Mr *Bland*, Mr *Barbar*, and Mr *William Armſtead* do go to the Councill and deſire a free Conference upon the Subject matter of ye laſt free Conference upon the amendments propoſed by their Honours to the bill Entituled *an Act concerning the Church Clergy, and other parochial affaires*

A Meſſage from ye Councill by Mr *Robertſon*, y^t^ ye Councill do agree to the free conference deſired by this houſe, on the ſubject matter of ye Laſt conference upon their amendments to the bill Entituled *an act concerning the Church Clergy, and other parochial affaires*, and have appointed y^e^ ſame immediately in ye Conference Room

Alſo y^t^ ye Councill have agreed to ye bill Entituled *an act appointing a treaſurer* without any amendments.

Ordered That ye Members who managed ye Laſt free conference do Likewiſe manage this.

Mr *Robert Beverley* reported, y^t^ the Perſons appointed had (according to order) delivered the meſſage to his Exčy, as an anſwer to his meſſage on ye twenty ſecond of *May* Laſt, and that he was pleaſed to ſay, he would repreſent it with all ye intereſt he could, and any thing elſe for the good of this Countrey.

Mr *Robert Beverley* reported, y^t^ the perſons appointed had according to order prepared a bill for Repealing an act of Aſſembly begun at *James City June* ye 8th 1680 Entituled *an act of free and general pardon, indemnity and oblivion*, which he preſented to the houſe, and y^e^ ſame was received

Mr *Randolph* from the free conference with ye Councill on y^e^ ſubject matter of ye Laſt free conference upon the amendments propoſed by their Honours to the bill Entituled *an act concerning ye Church Clergy and other parochial affaires* reported, y^t^ ye managers appointed had been with the Councill, and acquainted them to which of the ſaid amendments ye houſe agreed, and to which they inſiſted upon their diſagreeing, and had Left ye bill and amendments with ye Councill

A Bill Entituled *an act for Eſtabliſhing Ports and townes* was read the ſecond time, and upon ye Queſtion put.

Ordered That y^e^ ſaid bill be Engroſſed

A Bill Entituled *an act for ye continuing of general Aſſemblies in Caſe of ye death or demiſe of her Mãty her Heires or Succeſſors and for making valid all acts of the Governour and Councill and all Judgements and proceedings at Law, which ſhall happen between ye death of any King or Queen of* England, *and the notification thereof in this Countrey* was read ye firſt time, and ordered to be read a ſecond time.

A Bill Entituled *an act for repealing an Act of Aſſembly begun at* James City June *ye 8th 1680 Entituled an act of free an general pardon, Indemnity and Oblivion* was read ye firſt time, and ordered to be read a ſecond time

The houſe (according to order proceeded to take into conſideracon ye book of Reports of ye Comittee for publiq claimes, and part of y^e^ ſame being read over and agreed unto by ye houſe

Ordered That y^e^ ſaid book of Reports be farther conſidered to morrow

Mr *William Robinſon* and Mr *Francis Merrixwether* ſeverally moving for Leave to go in to ye Countrey upon extraordinary Occaſions, Leave is accordingly given them

And then the houſe adjourned till to morrow morning nine a Clock

Fryday

Fryday June the 7th 1706

MR. *Bland* moving for Leave to go into ye Country upon Extraordinary Occaſions, Leave is accordingly given him

Ordered That he attend ye ſervice of ye houſe again on this day ſeven night.

Mr *Thomas Weſt* moving for Leave to go into the Countrey upon Extraordinary occaſions. Leave is accordingly given him.

Ordered That he attend ye Service of ye houſe againe on *Tueſday* next

Mr *Gouldman* moving for Leave to be abſent from ye ſervice of ye houſe till *munday* come ſeven night, Leave is accordingly given him.

Mr *Byrd* and Mr *Anthony Armſtead* ſeverally moving for Leave to be abſent from ye ſervice of ye houſe to morrow upon Extraordinary Occaſions, Leave is accordingly given them

The houſe (according to order proceeded on ye conſideration of the book of reports of ye Comittee for publiq elaimes, and part of ye ſame being read and agreed to.

A motion was made, and after a debate ye previous Queſtion was put, and then the main Queſtion being put.

Reſolved That ye Queens arms be painted upon the front of the Cupulo of the Capitol

And then upon an other motion made, & ye Queſtion put

Reſolved That ye Queens arms be painted in the ſame place, where Coll° *Nicholſon*'s armes are now painted.

Ordered That Mr *Henry Cary* take care, yt ye Queens armes be painted on ye Cupolo according to the Reſolves of this houſe

Ordered That Mr *Robert Beverley*, Mr *Hill*, Mr *Edwards* and Mr *Sullivan* do carry a Copy of ye ſaid Reſolves to ye Councill and deſire their concurrence thereto.

A meſſage from the Councill by Mr *Robertſon* yt ye Councill have agreed to ye bill Entituled *an act for ye Effectual ſuppreſſion of vice and reſtraint and puniſhment of blaſphemous wicked and diſſolute perſons* with ſome amendments to which they deſire ye concurrence of this houſe

Alſo yt ye Councill have agreed to ye bill Entituled *an act for prevention of miſunderſtandings between ye tributary Indians, and other her Mātys ſubjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever* with ſome amendments to which they deſire the concurrence of this houſe

Then ye houſe proceeded on ye farther conſideration of ye ſaid book of Reports, and ye ſame being read thrô, was agreed unto by the houſe with ſome amendments, which were made therein, and then upon a motion made

The houſe reſolved it ſelf into a Comittee of the whole houſe to take into conſideration ye allowances for the reſpective Officers yt have attended this Seſſion of Aſſembly. and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair, and Mr *Robert Beverley* reported from ye ſaid Comittee, yt they had agreed upon ſeveral allowances for the ſaid Officers, which he read in his place, and then delivered in at the table, where the ſame being again read, were agreed unto by the houſe, and added to the book of publiq Claimes.

Ordered That the allowances made in money, which are contained in the book of publiq Claimes be paid out of the publiq moneys in Mr Treaſurer *Beverleys* hands unto ye Several perſons to whome the ſame are made reſpectively

Ordered That the Comittee for publiq Claimes do carry ye ſaid book of Claimes together with the ſaid order to ye Councill, and deſire their Concurrence thereto.

The houſe proceeded to take into conſideration ye petition of Mr Secretary *Jenings*, praying that he may be allowed for five hundred ſeventy two military Commiſſions, or that it may be declared how and by whome he ought to be paid for the ſame, and the ſaid petition being read.

Upon the Queſtion put

Ordered That the ſame be rejected

A Bill Entituled *an act for ye continuing of general Affemblies in cafe of the death or demife of her Mãty her Heires or Succeffors, and for making valid, all acts of ye Governour and Councill, and all Judgements and proceedings at Law which fhall happen between ye death of any King or Queen of* England, *and the notification thereof in this Countrey*, was read the fecond time.

Ordered That ye faid bill be Engroffed.

A Bill Entituled *an act for repealing an Act of Affembly begun at* James City June *8th 1680 Entituled an act for free and general pardon, Indemnity and Oblivion* was read the fecond time

Ordered That the faid bill be Engroffed

An Engroffed bill Entituled *an act to explain part of an act of this prefent Seffion of Affembly, Entituled an act directing the manner of Levying Executions, and for relief of poor prifoners for debt* was read the third time

Refolved That the bill do pafs.

An Engroffed bill Entituled *an act for fecurity and defence of the Country in times of danger* was read ye third time

Refolved That the bill do pafs.

An Engroffed bill Entituled *an act for removing Criminals from the Goales of ye Counties, where they fhall be apprehended to the publiq Goal at* Williamfburgh was read ye third time

Refolved That ye bill do pafs.

Ordered That M^r *McCarty*, Mr *Leifter*, Mr *John Weft*, Mr *Taylor*, Mr *Wife* and Mr *Anthony Armftead* do carry ye faid bill to the Councill and defire their concurrence thereto.

The houfe refolved it felf into a Comittee of the whole houfe upon ye bill Entituled *an act for the diftribution of Inteftates Eftates, declaring Widowes rights to their deceafed hufbands Eftates, and for fecuring Orphans Eftates*, and after fome time Spent therein, Mr *Speaker* refumed the Chair and Mr *Robt Beverley* reported from the faid Comittee, y^t they had made fome progrefs in ye bill, and directed him to move y^t they may have Leave to fit againe

Refolved That ye houfe will again refolve it felf into a Comittee of ye whole houfe upon ye faid bill.

A meffage from ye Councill by Mr *Robertfon* y^t ye Councill defire a free conference with this houfe to morrow at ten a clock on ye fubject matter of their amendments to ye bill Entituled *an act for fetling ye Militia*, and have appointed three of their members to manage ye faid Conference with fuch a number of Burgeffes, as this houfe fhall think fit, which conference being agreed to

Mr *Miles Cary*.....Mr *Tayloe*
Mr *Robert Beverley*.....Mr *Nicholas Merriwether*
Mr *Hill*.....Mr *Harry Beverley*

Were appointed managers for the houfe in the fame, and ordered to attend the Councill at the time by them appointed

Ordered That Mr *Robt Beverley*, Mr *Tayloe* Mr *Nicholas Merriwether* and Mr *Harry Beverley* do go to the Councill and acquaint them, that this houfe hath agreed to the conference by them defired, and that they have appointed managers accordingly.

And then the houfe adjourned till to morrow morning nine a Clock.

Saturday June the 8th 1706

MR. *Nicholas Merriwether* and Mr *Holliday* feverally moving for Leave to be abfent from ye fervice of the houfe on *Munday* next upon Extraordinary occafions, Leave is accordingly given them

Mr *Peter Beverley* reported, y^t ye Comittee of propofitions and Grievances had (according to order) prepared a bill directing ye building an houfe for the Governour of this Colony and dominion, which he prefented to the houfe, and the fame, being received, was read ye firft time, and ordered to be read a fecond time

M^r

Mr *Miles Cary* from ye free conference with the Councill on the Subject matter of their amendments to ye bill Entituled *an act for fetling ye Militia* reported the fubject matter of the faid conference and thereupon the houfe proceeded to take ye fame into conſideration, and agreed yt the following Refolutions thereon ſhould be delivered in writing to the Councill at a free conference. (*Viz*t)

To the amendment propoſed in the ſecond ſheet, firſt page, twelfth Line, the houſe do inſiſt upon the diſagreeing, and to the other amendment propoſed in ye fourteenth Line of ye ſame page, the houſe do inſiſt upon their diſagreeing.

The amendment propoſed by this houſe to the amendment propoſed by the Councill, to be added to ye End of ye fifteenth Line of ye ſame page, being read, the houſe do inſiſt upon their ſaid amendment, and deſire the Councill would agree thereto or yt they would propoſe ſuch farther amendments, as they think reaſonable

The amendment propoſed in the ſecond ſheet, ſecond page, ſecond Line being read, the houſe do not inſiſt upon their diſagreeing therewith,

To the amendment propoſed to be added in the fourth ſheet, firſt page at the end of the tenth Line, the houſe do inſiſt upon their diſagreeing but foraſmuch as in the Laſt free conference the managers for the Councill did acquaint the managers for this houſe, yt ye ſaid amendment was only propoſed by them, to make ye foregoing paragraph of ye bill more ſuitable, therefore the houſe do deſire yt ye Councill will propoſe ſuch amendments to the ſaid paragraph, as they think reaſonable.

Ordered That Mr *Robert Beverley*, Mr *Hill*, Mr *Nicholas Merriwether* and Mr *Harry Beverley* do go to the Councill, and deſire a free Conference upon the ſubject matter of ye Laſt free conference upon their amendments to the bill Entituled *an act for fetling the Militia*

A meſſage from the Councill by Mr *Robertſon*, yt the Councill do agree to the Reſolves of this houſe for painting ye Queen's armes upon ye Cupulo of ye Capitol

Mr *Miles Cary* from the perſons to whome it was referrd to enquire into the truth of the allegations ſet forth in the petition of *Rebecca Pinkethman* reported the proceedings to ye ſaid perſons thereupon, which he read in his place, and then delivered in at the table.

An Engroſſed bill Entituled *an Act for Eſtabliſhing ports & townes* was read ye third time, and upon ye Queſtion put, ſome amendments being made therein

Reſolved That the bill do paſs

An Engroſſed bill Entituled *an act for ye continuing of general Aſſemblies in Caſe of the death or demiſe of her Māty her Heires or Succeſſors, and for making valid all acts of ye Governour & Councill, and all Judgements and proceedings at Law, which ſhall happen between ye death of any King or Queen of* England, *and ye Notification thereof in this Countrey* was read the third time.

Reſolved That ye bill do paſs.

An Engroſſed bill Entituled *an Act for repealing an act of Aſſembly begun at* James City June *ye 8th 1680 Entituled an act of free and general pardon, indemnity and Oblivion* was read ye third time

Reſolved That the bill do paſs.

Ordered That Mr *Robt Beverley*, Mr *Edwards*, Mr *McCarty* and Mr *Gaddis* do carry ye ſaid bills to the Councill, and deſire their concurrence thereto.

Ordered That ye Calling over the houſe be referred till *Munday*.

And then the houſe adjourned till *Munday* morning ten a Clock.

Munday June the 10th 1706

THE houſe (according to order) was called over, and thereupon

Ordered That Mr *Leifter* be taken into Cuſtody of ye meſſenger to anſwer his default in not attending (according to his duty) ye ſervice of ye houſe.

A meſſage from the Councill by Mr *Robertſon* : That ye Councill agree to the free conference deſired by this houſe on the ſubject matter of ye Laſt free conference on their amendments to the bill Entituled *an act for fetling the Militia*, and have appointed ye ſame this day at two a Clock in ye afternoon.

Ordered

Ordered That ye members who managed ye Laft free Conference do Likewife manage this.

The houfe proceeded to take into Conſideration ye amendments propoſed by the Councill to the bill Entituled *an act for ye effectual Suppreſſion of Vice, and reſtraint and puniſhment of Blaſphemous wicked and diſſolute perſons*, and y^e^ ſame being read, ſome of them were agreed, and ye other diſagreed unto.

Ordered That Mr *Peter Beverley*, Mr *William Cary*, Mr *Nicholas Merriwether*, and Mr *Hack* do carry y^e^ ſaid bill to the Councill, and acquaint them, y^t^ this houſe hath agreed to ſome of their amendments, and to the other diſagreed, and deſire their Honours to paſs ye bill with the amendments agreed to by this houſe.

The houſe proceeded to take into Conſideration ye amendments propoſed by ye Councill to ye bill Entituled *an act for prevention of miſunderſtandings between ye tributary Indians, and other her Mātys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever*, and the ſame being read, were agreed to with amendments.

Ordered That Mr *Peter Beverley*, Mr *William Cary*, Mr *Nicholas Merriwether* and Mr *Hack* do carry y^e^ ſaid bill to the Councill. & acquaint y^m^ that this houſe hath agreed to their amendments with amendments, to which they deſire their Honours concurrence.

Mr *Miles Cary* from ye free conference with ye Councill on ye Subject matter of the laſt free conference upon ye amendments propoſed by their Honours to the bill Entituled *an act for ſetling ye Militia* reported y^t^ ye managers appointed had been with the Councill, and had left with them ye bill and amendments together with the Reſolutions of this houſe thereupon

The houſe reſolved it ſelf into a Comittee of ye whole houſe upon the bill Entituled *an act for the diſtribution of Inteſtates Eſtates declaring Widows Rights to their deceaſed huſbands Eſtates, and for ſecuring Orphans Eſtates*, and after ſome time ſpent therein Mr *Speaker* reſumed ye Chair, and Mr *Robert Beverley* reported from y^e^ ſaid Comittee, y^t^ they had gone thrô the bill and agreed upon Several amendments to be made therein, wch he read in his place, and then delivered in at the table, where y^e^ ſame being again read, and agreed unto by the houſe.

Ordered That the ſaid amendments be made in ye bill, and y^t^ y^e^ ſaid bill be read a ſecond time.

And then the houſe adjourned till to morrow morning nine a Clock

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Tueſday June the 11th 1706

MR. *Harriſon* moving for Leave to go into ye Country upon Extraordinary Occaſions, Leave is accordingly given him

Mr *Peter Beverley* from the Comittee of propoſitions & Grievances to whom ye addreſs for Liberty to ſurvey and patent ye Lands on ye South ſide y^e^ *black water* ſwamp, and in *Pomunky* Neck was committed for amendments reported, y^t^ the ſaid Comittee had made ſeveral amendments to y^e^ ſaid addreſs, which he read in his place, and then delivered in at the table, where the ſame being againe read, y^e^ ſaid addreſs was agreed to and is as followeth.

To his Exčy Edward Nott *Eſq^r^ her Mātys Leiv^t^ and Governour general of* Virginia *May it pleaſe your Exčly*

Wee her Mātys dutifull and Loyall Subjects the Burgeſſes of this her Colony and dominion of *Virginia* now aſſembled humbly beg Leave to repreſent to yor Exčy, y^t^ for ſome yeares paſt a ſtop hath been put, to the taking up, and patenting Land on ye South ſide the *black water* ſwamp, and in *Pomunky* Neck y^t^ ſeveral Applications have been made by former Aſſemblys for taking it off, and y^t^ (notwithſtanding y^e^ ſame) the Reſtraint continues.

Now

Now forafmuch as Wee conceive it will be for ye Service of ye Crown, and the improvement, and benefit of this Colony, to give the fame Liberty to take up, and patent Land, in thofe places as is allowed in the other parts of this Countrey

Wee therefore humbly pray Yo^r^ Exc̄y for ye fame, and that the prefent reftraint may be difcontinued

Ordered That the faid addrefs be fairly tranfcribed and ſigned by Mr *Speaker*, and y^t^ the Comittee of propofitions and Grievances do carry ye fame to his Exc̄y

Mr *Miles Cary* from ye Comittee for publiq Claimes to whome the bill Entituled *an Act for confirming titles to town Lands* was recommitted, reported, that the perſons who made the motion for amendments to be made in the ſaid bill did not inſiſt upon their ſaid motion, and that therefore the ſaid Comittee had not made any amendments therein, and then he delivered ye bill in at the table and thereupon

Ordered That the ſaid bill be Engroſſed

A bill Entituled *an Act directing the building an houſe for ye Governour of this Colony and dominion* was read the ſecond time, and ſome amendments being made therein, and twice read

Ordered That the ſaid bill with the amendments be Engroſſed

A Bill Entituled *an act for ye diſtribution of Inteſtates Eſtates, declaring widows Rights to their deceaſed huſbands Eſtates, and for ſecuring Orphans Eſtates* was read the ſecond time

Ordered That the ſaid bill be Engroſſed.

Mr *Robert Beverley* reported, that the perſons appointed, had (according to order) prepared a bill for preſcribing ye method of appointing County Court Clerkes, and for aſcertaining the fees of the Secretary, County Court Clerks, Sherrifs and Conſtables, which he preſented to the houſe, and the ſame being received, was read the firſt time and ordered to be read a ſecond time on *Thurſday* next.

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an act for preventing frauds in the Cuſtoms, and in clearing of Ships, for aſcertaining Collectors and Naval Officers fees, and to prohibit the Caſting of Ballaſt into rivers and Creekes*, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair and Mr *Peter Beverley* reported from the ſaid Comittee, that they had made ſome Progreſs in the bill, and had directed him to move, that they may have Leave to ſit againe

Reſolved That the houſe will again reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill.

A Meſſage from the Councill by Mr *Robertſon*, that the Councill do recede from the amendments propoſed by them to the bill Entituled *an Act for ye Effectual Suppreſſion of vice and Reſtraint and puniſhment of blaſphemous wicked and diſſolute perſons*, which are not agreed unto by this houſe.

Alſo, that the Councill do agree to the amendments propoſed by this houſe to the amendments propoſed by them to the bill Entituled *an act for prevention of miſunderſtandings between ye tributary Indians, and other her Mātys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever*

Alſo, y^t^ the Councill have agreed to the bill Entituled *an act continuing the act directing the building the Capitol, and the City of* Williamſburgh *with additions* with ſome amendments to which they deſire the concurrence of this houſe.

Alſo, that the Councill have agreed to the bill Entituled *an act for ſecurity and defence of the Countrey in times of danger* with ſome amendments, to which they deſire the Concurrence of this houſe.

Alſo, that the Councill deſire an immediate free conference with this houſe on the ſubject matter of ye Laſt free conference in relation to ye amendments to the bill Entituled *an act for ſetling ye Militia* which conference being agreed to

Ordered That ye members, who managed ye Laſt free conference do likewiſe manage this.

Ordered

Ordered That Mr *Robt Beverley*, Mr *Hill*, Mr *Nicholas Merriwether* and Mr *Harry Beverley* do go to the Councill and acquaint them, that this houſe hath agreed to the Conference by them deſired, and yt they have appointed managers accordingly

Then the managers went to attend the Conference

And they being Returned

Mr *Miles Cary* reported, that they had been with the Councill, and that the Councill had given them the bill, and the amendments with their Reſolutions thereupon, which he delivered in at the table, and then the houſe proceeded to take the ſaid Reſolutions into Conſideration and the ſame being ſeverally read, and agreed to, the bill was amended accordingly.

Ordered That Mr *Robert Beverley*, Mr *Hill* Mr *Nicholas Merriwether*, & Mr *Harry Beverley* do carry ye ſaid bill to the Councill, & acquaint them yt ye ſame is amended according to ye amendments agreed to

The bill Entituled *an Act for ye Effectual Suppreſſion of vice and Reſtraint and puniſhment of blaſphemous, wicked and diſſolute perſons*, & ye bill Entituled *an Act for prevention of miſunderſtandings between ye tributary Indians, and other her Mātys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever*, were amended according to ye amendments agreed to by ye Councill and this houſe.

Ordered That Mr *Robert Beverley*, Mr *Hill*, Mr *Nicholas Merriwether* and Mr *Harry Beverley* do carry ye ſaid bills to the Councill, and acquaint them, that ye ſame are amended according to the amendments agreed to

The houſe proceeded to take into Conſideration ye amendments propoſed by the Councill to the bill Entituled *an act for ſecurity & defence of ye Countrey in times of danger*, and the ſame being read, were agreed unto by ye houſe, and made in the bill

The houſe proceeded to take into conſideration ye amendments propoſed by ye Councill to the bill Entituled *an act continuing the act directing ye building ye Capitol and City of* Williamſburgh wth *additions*, and the ſame being read, were agreed unto by ye houſe, and made in the bill.

Ordered That Mr *Robt Beverley*, Mr *Hill*, Mr *Nicholas Merriwether* and Mr *Harry Beverley* do carry ye ſaid bills to the Councill, and acquaint them, that this houſe hath agreed to the amendments propoſed by them to the ſaid bills, and that they are amended accordingly

Upon a motion made

Ordered That Mr *Leiſter* be diſcharged out of Cuſtody paying five ſhillings fees.

And then the houſe adjourned till to morrow morning nine a Clock.

Wedneſday June the 12th 1706

MR. *Peter Beverley* reported yt the Comittee of propoſitions and Grievances had (according to order) prepared a bill for ye Regulation and ſettlement of ferries, and for diſpatch of publiq Expreſſes, which he preſented to the houſe, and ye ſame was received; and

Then Mr *Peter Beverley* reported yt the ſaid Comittee had taken into Conſideration the ſeveral other matters to them referred, and therein had agreed upon ſeveral Reſolutions which he read in his place, and then delivered in at the table.

A Bill Entituled *an act for ye Regulation and Settlement of ferries and for diſpatch of publiq expreſſes* was read the firſt time, and ordered to be read a ſecond time

Then the houſe proceeded to take into Conſideration ye report of ye Comittee of propoſitions and Grievances, and thereupon

Reſolved That it is not neceſſary at this time to make any other act for ye better improving the breed of Horſes, than wh is now in force.

And upon Conſideration of ye Report of ye ſaid Comittee made upon the petition of *Edward Creekmore* and others ſetting forth, yt they hold ſeveral tracts of Land granted

to

to them by this Government for which they have annually paid Quit rents to the Sherrif of *Norfolk* County, where they live, and that ye Rent gatherers of *North Carolina* have for theſe two yeares demanded Quit rents from them, and made diſtreſs for the ſame for the Proprietors of that Government, and praying, that his Exčy would protect them, and that they may hold their Lands in ye Government of *Virginia*

The houſe agreed to the Report of ye ſaid Comittee *Vizt*

Reſolved That ye matter of fact therein Laid down is true, and that for remedy thereof it is neceſſary the bounds of this Colony next to *Carolina* ſhould be Laid out.

Ordered That the Comittee of propoſitions and Grievances do prepare an addreſs to his Exčy upon the Subject matter of ye ſaid Reſolve, and that he be thereby deſired to take ſuch meaſures for preventing any farther hardſhips, being put on ye ſaid petitioners by ye Government of *North Carolina* as by him ſhall be thought proper.

Ordered That Mr *Robt Beverley*, Mr *Edwards*, Mr *Jenkins*, and Mr *Maſon* of *Norfolk* do inſpect the Records of this Countrey in order to diſcover the bounds thereof to ye Southward, and yt they Report to ye houſe ye matter of fact as it appears to them, together with their opinions thereupon

And upon conſideration of ye Report of ye ſaid Comittee made upon ye propoſition of *Princeſs Anne* County propoſing yt the members of ye Aſſembly may not be permitted to bear any Office or place of profit for two yeares after they have been Burgeſſes.

The houſe Agreed to the Report of ye ſaid Comittee *Vizt*

Reſolved That the ſaid propoſition be rejected

And upon conſideration of ye Report of ye ſaid Comittee made upon a propoſition from *Princeſs Ann* County for exempting *Virginia* Owners from payment of duties on Liquors etc, and upon an Order of this houſe for ye ſaid Comittee to prepare and bring in a bill to reſtrain ye taking up of Land in tracts exceeding one thouſand acres.

The houſe agreed to ye Report of the Said Comittee *Vizt*

Reſolved That ye Subject matter of ye ſaid propoſition and order are already anſwered by bills agreed on by this houſe.

An Engroſſed bill Entituled *an act directing the building an houſe for the Governour of this Colony and dominion* was read ye third time

Reſolved That the bill do paſs

Upon a motion made, and the Queſtion put

The houſe was call'd over, and thereupon

Ordered That Mr *Sullivan* be taken into cuſtody of ye Meſſenger to anſwer his default in not attending (according to his duty) ye Service of the houſe

An Engroſſed bill Entituled *an Act for the diſtribution of inteſtates Eſtates declaring widowes Rights to their deceaſed Huſbands Eſtates, and for ſecuring Orphans Eſtates* was read the third time.

Reſolved That the bill do paſs

An Engroſſed bill Entituled *an act confirming titles to town Lands* was read the third time

Reſolved That the bill do paſs

Ordered That the Comittee of propoſitions and Grievances do carry ye ſaid bills to the Councill and deſire their concurrence thereto

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an act for preventing frauds in the Cuſtomes, and in clearing of Ships for aſcertaining Collectors and Naval Officers fees, and to prohibit the caſting of ballaſt into Rivers and Creekes*, and after ſome time ſpent therein, Mr *Speaker* reſumed the chair, and Mr *Peter Beverley* reported from the ſaid Comittee, yt they had gone thrô the bill and agreed upon ſeveral amendments to be made therein, which he read in his place, and then delivered in at the table, where the ſame being again read and agreed unto by the houſe.

Ordered That the amendments be made in the bill, and yt the ſaid bill be read a ſecond time

A meſſage from the Councill by Mr *Robertſon* yt the Councill have paſſed the ſeveral Bills following as amended. *Vizt.*

A Bill Entituled *an act for ſetling the Militia*

A Bill Entituled *an act for ſecurity and defence of this Countrey in times of danger*

A Bill Entituled *an Act for prevention of miſunderſtandings between ye tributary Indians, and other her Mãtys Subjects of this Colony and dominion, and for a free and open trade with all Indians whatſoever*

A Bill Entituled *an act for ye Effectual Suppreſſion of vice and Reſtraint and puniſhment of blaſphemous, wicked and diſſolute perſons.*

A Bill Entituled *an act continuing ye act directing ye building the Capitol and the City of* Williamſburg *with additions.*

And then the houſe adjourned till to morrow morning nine a Clock

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Thurſday June the 13th 1706

THE Petition of Mr Secretary *Jennings* was preſented to the houſe, and read, praying yt he may have Liberty of offerring reaſons againſt part of the bill Entituled *an Act preſcribing the method of appointing County Court Clerkes, and for aſcertaining the fees of the Secretary, County Court Clerks, Sherrifs and Conſtables* before the ſaid bill do paſs

Ordered That he have Leave to offer his Reaſons according to the prayer of his petition, and that he do the ſame at three a Clock this afternoon.

A bill Entituled *an act for preventing frauds in the cuſtoms, and in clearing of ſhips and for aſcertaining Collectors and Naval Officers fees, and to prohibit and prevent the caſting of ballaſt and dead bodies into rivers and creeks* was read the ſecond time, & recommitted.

Upon a motion made

Ordered That Mr *Sullivan* be diſcharged out of Cuſtody paying five ſhillings fees.

A meſſage from ye Councill by Mr *Robertſon*, that the Councill have agreed to the bill Entituled *an act for ye Continuing of general Aſſemblies in caſe of the death or demiſe of her Mãty, her Heires or Succeſſors, and for making valid all acts of the Governour and Councill, and all Judgments and proceedings at Law, which ſhall happen between the death of any King or Queen of* England, *and ye notification thereof in this Countrey* without any amendments

Alſo, that the Councill have agreed to the bill Entituled *an act for Eſtabliſhing ports and townes* with ſome amendments to which they deſire the concurrence of this houſe.

Then ye houſe proceeded to take into conſideration ye ſaid amendments & ye ſame being read, were agreed unto by ye houſe, & made in ye bill

Ordered That Mr *Robt Beverley*, Mr *Tayloe*, Mr *Waters*, Mr *Edwards*, Mr *Jenkins*, Mr *Chriſtopher Robinſon*, Mr *Leiſter*, and Mr *Eskridge* do carry the ſaid bill to ye Councill, and acquaint them, that this houſe hath agreed to ye amendments propoſed by them to the ſaid bill, and that the ſame is amended accordingly.

Mr *Chriſtopher Robinſon* moving for Leave to be abſent from the ſervice of the houſe till *Tueſday* next upon Extraordinary Occaſions. Leave is accordingly given him.

Mr *Eskridge* moving for Leave to be abſent from ye ſervice of ye houſe till *Wedneſday* next upon Extraordinary Occaſions, Leave is accordingly given him

Mr *Moſely* moving for Leave to be abſent from ye Service of the houſe till *Thurſday* next upon Extraordinary Occaſions, Leave is accordingly given him

A Meſſage from the Councill by Mr *Robertſon*, yt the Councill have paſſed the bill Entituled *an act for Eſtabliſhing ports and townes* as amended

The houſe reſolved it ſelf into a Comittee of ye whole houſe upon upon the bill Entituled *an act for preventing frauds in the Cuſtoms, and in clearing of ſhips, for aſcertaining Collectors and Naval Officers fees and to prohibit and prevent ye caſting of ballaſt*

and

and dead bodies into Rivers and Creekes, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair, and Mr *Peter Beverley* reported from the ſaid Comittee yt they had agreed upon ſome amendments to be made therein which he read in his place. and then delivered in at the table, where the ſame being again read, and agreed unto by the houſe, were made in the bill and twice read

Ordered That the ſaid bill, with the amendments, be Engroſſed.

A Bill Entituled *an act for the regulation and ſettlement of ferries, and for diſpatch of publiq Expreſſes* was read the ſecond time, and committed to a Comittee of ye whole houſe, and thereupon the houſe reſolved it ſelf into the ſaid Comittee, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair and Mr *Peter Beverley* reported from the ſaid Comittee, yt they had made ſome progreſs in the bill, and had directed him to move, that they may have Leave to ſet againe

Reſolved That the houſe will againe reſolve it ſelf into a Comittee of ye whole houſe upon the ſaid bill.

Mr *Jenkins* moving for Leave to go into the Country upon Extraordinary Occaſions, Leave is accordingly given him.

The Reaſons of Mr Secretary *Jenings* againſt part of ye bill Entituled *an act preſcribing ye method of appointing County Court Clerkes and for aſcertaining ye fees of the Secretary, County Court Clerks Sherrifs and Conſtables* were preſented to the houſe, and the ſame, being received, were read, and ordered to Lye upon the table to be conſidered, when ye ſaid bill is read a ſecond time.

Ordered That ye ſaid bill be read a ſecond time to morrow

And then the houſe adjourned till to morrow morning nine a Clock.

Fryday June the 14th 1706

THE houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an Act for ye Regulation & ſettlement of ferries and for diſpatch of publiq Expreſſes*, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair, and Mr *Peter Beverley* reported from the ſaid Comittee, that they had gone thrô the bill, and agreed upon ſeveral amendments to be made therein which they had directed him to report, when the houſe will pleaſe to receive the ſame

Ordered That the Report be made to morrow.

A motion being made yt an agent be appointed in *England* to ſolicit ye affaires of this Countrey

Upon the Queſtion put

Reſolved That the ſaid motion be taken into Conſideration to morrow morning

A Bill Entituled *an act preſcribing ye method of appointing County Court Clerkes and for aſcertaining the fees of the Secretary, County Court Clerks Sherrifs and Conſtables* was read the ſecond time, and committed to a Comittee of the whole houſe.

And Mr Secretary *Jenings*'s reaſons againſt part of the ſaid bill being read

Ordered That the conſideration of the ſaid reaſons be referred to the Comittee of the whole houſe to whom ye ſaid bill is committed.

An Engroſſed bill Entituled *an act for preventing frauds in the Cuſtomes, and in clearing of ſhips for aſcertaining Collectors and Naval Officers fees, and to prohibit and prevent the Caſting of ballaſt and dead bodies into Rivers and Creeks* was read the third time, and an amendment, being made therein, & thrice read.

Reſolved That the bill do paſs

Ordered That Mr *Gaddis*, Mr *Hack*, Mr *Holliday* and Mr *Wife* do carry the ſaid bill to ye Councill, and deſire their concurrence thereto

A meſſage from the Councill by Mr *Robertſon*, yt the Councill have agreed to the bill Entituled *an act for Eſtabliſhing ye County Courts for regulating and ſetling the proceedings*

ceedings therein and directing the manner of granting probates of Wills and adminiſtration of Inteſtates Eſtates with ſome amendments to which they deſire the concurrence of this houſe

And then the houſe adjourned till to morrow morning nine a Clock

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Saturday June the 15th 1706

MR. *Hodges*, Mr *Sullivan*, Mr *Maſon* of *Norfolk*, Mr *Hack*, Mr *Waſhbourne*, and Mr *Wiſe* ſeverally moving for Leave to go into the Countrey upon Extraordinary occaſions, Leave is accordingly given them

Mr *Peter Beverley* (according to order) reported from the Comittee of ye whole houſe the amendments agreed on by ye ſaid Comittee to the bill Entituled *an act for the regulation & ſettlement of ferries, and for diſpatch of publiq expreſſes* which he read in his place, and then delivered in at the table where ye ſame being again read, and agreed unto by the houſe were made in the bill and twice read.

Ordered That the ſaid bill with the amendments, be engroſſed.

A meſſage from the Councill by Mr *Robertſon* yt the Councill have agreed to the bill Entituled *an act for the diſtribution of Inteſtates Eſtates declaring widows rights to their deceaſed huſbands Eſtates, and for ſecuring Orphans Eſtates* with ſome amendments to which they deſire the concurrence of this houſe

Alſo, that the Councill have agreed to the bill Entituled *an act directing ye building an houſe for the Governour of this Colony and dominion* with ſome amendments to which they deſire the concurrence of this houſe

Alſo, that ye Councill have agreed to the bill Entituled *an act for raiſing a publiq Revenue for the better ſupport of the Government of this her Mãtys Colony and dominion of* Virginia, *and for aſcertaining the Sallary of ye Councill* with ſome amendments to which they deſire ye concurrence of this houſe.

Alſo, that the Councill have agreed to ye bill Entituled *an act for confirming titles to town Lands* without any amendments.

Alſo, that the Councill have agreed to the bill Entituled *an act for repealing an act of Aſſembly begun at* James City June *ye 8th 1680, Entituled an Act of free and general pardon, indemnity and oblivion* without any amendments.

The order of the day for the houſe to take into conſideration the motion which was made yeſterday for an agent to be appointed in *England* to Sollicit the affaires of this Countrey being read

Upon a motion made, the Queſtion was put.

That ye houſe do reſolve it ſelf into a Committee of ye whole houſe to conſider ye ſaid motion, and

It paſt in the Negative

Then the houſe proceeded on ye conſideration of ye ſaid motion, and after ſome time ſpent in debate

The Queſtion was put

That an Agent be appointed in *England* to ſollicit the affaires of this countrey and

It paſt in the Negative

The houſe proceeded to take into conſideration ye amendments propoſed by the Councill to the bill Entituled *an act for the diſtribution of Inteſtates Eſtates declaring widows rights to their deceaſed Huſbands Eſtates, and for ſecuring Orphans Eſtates*, and the ſame being read, part of the ſaid amendments were agreed unto without amendments, and part with, and the other diſagreed unto

The houſe proceeded to take into conſideration ye amendments propoſed by the Councill to ye bill Entituled *an act directing the building an houſe for ye Governour of this Colony and dominion*, & ye ſame, being read, were agreed unto by ye houſe, & made in ye bill.

The

The houſe proceeded to take into conſideration ye amendments propoſed by ye Councill to the bill Entituled *an act for raiſing a publiq revenue for ye better ſupport of ye Government of this her Mājys Colony and dominion of* Virginia, *and for aſcertaining the Sallary of ye Councill*, and y^e^ ſame being read, ſome of them were agreed, and the other diſagreed unto

Ordered That Mr *Peter Beverley*, Mr *Hill*, Mr *Edwards*, Mr *Gaddis* M^r^ *Wm Armſtead*, and Mr *Taylor* do carry y^e^ ſaid bills to the Councill, and acquaint them with the proceedings of this houſe thereupon

The houſe (according to order) was called over, and the abſcence of thoſe members, that did not appear, excuſed.

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill, Entituled *an act preſcribing the method of appointing County Court Clerkes, and for aſcertaining ye fees of the Secretary County Court Clerkes, Sherrifs and Conſtables*, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair, and Mr *Robt Beverley* reported from y^e^ ſaid Comittee, y^t^ they had made ſome progreſs in the bill, and had directed him to move, that they may have Leave to ſet againe

Reſolved That the houſe will againe reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill

And then the houſe adjourned till *Munday* morning ten a Clock.

Munday June the 17th 1706

MR. *Nicholas Merriwether* & Mr *Bridger* ſeverally moving for Leave to go into the Countrey upon extraordinary occaſions, Leave is accordingly given them

Mr *William Armſtead* moving for leave to go into the Countrey upon extraordinary occaſions, Leave is accordingly given him

Ordered That he attend ye Service of ye houſe again on *Wedneſday* next.

An Engroſſed bill Entituled *an act for ye regulation and ſettlement of ferries, and for diſpatch of publiq expreſſes* was read the third time, and ſome amendments being made therein, and thrice read

Reſolved That ye bill do paſs

Ordered That Mr *Miles Cary*, Mr *Ball* Mr *Francis Merriwether*, Mr *Byrd*, and Mr *Bridger* do carry y^e^ ſaid bill to ye Councill and deſire their concurrence thereto

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an Act preſcribing the method of appointing County Court Clerkes, and for aſcertaining the fees of the Secretary, County Court Clerkes, Sherrifs and Conſtables*, and after ſome time ſpent therein Mr *Speaker* reſum'd the Chair and Mr *Robert Beverley* reported from the ſaid Comittee, that they had made ſome progreſs in the bill, and had directed him to move, that they may have Leave to ſit againe

Reſolved That the houſe will again reſolve it ſelf into a Comittee of the whole houſe upon the ſaid bill

A meſſage from the Councill by Mr *Robertſon*, that the Councill have paſſed the bill Entituled *an act directing ye building an houſe for the Governour of this Colony and dominion*, as amended.

Alſo, that ye Councill do recede from the amendments propoſed by them to the bill Entituled *an act for raiſing a publiq revenue for the better ſupport of the Government of this her Mājys Colony & Dominion of* Virginia, *and for aſcertaining ye Sallary of ye Councill*, which are not agreed unto by this houſe

Alſo that the Councill have agreed to the amendments propoſed by this houſe to the amendments propoſed by them to the bill Entituled *an act for the diſtribution of Inteſtates Eſtates, declaring Widows rights to their deceaſed Huſbands Eſtates, and for ſecuring Orphans Eſtates*, and alſo, that ye Council do recede from the amendments propoſed by them to the ſaid bill, which are not agreed to by this houſe

Alſo

Alſo, that the Councill have agreed to the bill Entituled *an act for preventing frauds in the Cuſtoms, and in Clearing of Ships, for aſcertaining Collectors and Naval Officers fees, and to prohibit and prevent the Caſting of ballaſt and dead bodies into Rivers and Creeks* with ſome amendments to which they deſire the concurrence of this houſe

The houſe reſolved it ſelf into a Comittee of the whole houſe upon the bill Entituled *an Act preſcribing the method of appointing County Court Clerkes, and for aſcertaining the fees of the Secretary, County Court Clerks, Sherrifs and Conſtables*, and after ſome time ſpent therein, Mr *Speaker* reſumed the Chair, and Mr *Robert Beverley* reported from the ſaid Comittee, yt they had gone thrô the bill, and agreed upon ſeveral amendments to be made therein, which he read in his place, and then delivered in at the table, where the ſame being again read, and agreed unto by the houſe, with amendments to ſome of the ſaid amendments, were made in the bill, and twice read.

Ordered That the ſaid bill, with the amendments, be Engroſſed

A meſſage from the Councill by Mr *Robertſon*, that the Councill do deſire a free conference to morrow at ten a Clock in the morning on the ſubject matter of ye Laſt free conference in Relation to the amendments to the bill Entituled *an act concerning ye Church Clergy, and other parochial affaires*

Which conference being agreed to

Mr *Randolph*.....Mr *Bland*
Mr *Peter Beverley*.....Mr *Marable*
Mr *Miles Cary*.....Mr *Nathanael Weſt*
Mr *Barbar*.....Mr *Bird*

Were appointed managers for the houſe in the ſame, and ordered to attend the Councill at ye time by them appointed

Ordered That Mr *Miles Cary*, Mr *Barbar*, Mr *Bland* and Mr *Marable* do go to the Councill, and aequaint them, yt this houſe hath agreed to the conference by them deſired, and that they have appointed Managers aceordingly.

The amendments agreed on by the Councill, and this houſe to the bill Entituled *an act for raiſing a publiq revenue for the better ſupport of ye Government of this her Mãtys Colony and dominion of* Virginia, *and for aſcertaining ye Sallary of the Councill*, and a bill Entituled *an act for the diſtribution of Inteſtates Eſtates, declaring widowes rights to their deceaſed huſbands Eſtates, and for ſecuring Orphans Eſtates*, being made in the bills

Ordered That Mr *Robt Beverley*, Mr *Edwards*, Mr *McCarty*, and Mr *Harry Beverley*, do carry ye ſaid bills to ye Councill, & aequaint ym therewith.

Ordered That the calling over the houſe be referred till *Saturday* next.

Ordered That Mr *Robt Beverley*, Mr *Edwards*, Mr *McCarty*, Mr *Francis Merriwether*, Mr *Bland* and Mr *Eppes* do examine the ſeveral inroled bills with the Engroſſed bills.

The houſe proceeded to take into conſideration the amendments propoſed by the Council to the bill Entituled *an act for preventing frauds in the Cuſtomes, and in clearing of ſhips, for aſcertaining Collectors and Naval Officers fees, and to prohibit and prevent the Caſting of ballaſt and dead bodies into Rivers and Creekes*, and the ſame, being read, were agreed unto by ye houſe with amendments, and thereupon

Ordered That Mr *Harriſon*, Mr *Leiſter*, Mr *Thomas Weſt*, and Mr *Gouldman* do carry the ſaid bill to the Councill, and aequaint them therewith, and deſire their Honours concurrence thereto.

And then the houſe adjourned till to morrow morning nine a Clock

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Tueſday June the 18th 1706

A MESSAGE from the Councill by Mr *Robertſon* yt the Councill have paſſed, as amended, ye bill Entituled *an act for raiſing a publiq revenue for the better ſupport of the Government of this her Mãtys Colony and dominion of* Virginia, *and for aſcertaining the ſallary of the Councill*, and the bill Entituled *an act for the diſtribution of Inteſtates Eſtates, declaring widowes rights to their deceaſed huſbands Eſtates, and for ſecuring Orphans Eſtates*

Mr

Mr *Randolph* from ye free conference with the Councill on ye Subject matter of the laft free conference in relation to ye amendments to the bill Entituled *an act concerning the church, Clergy and other parochial affaires* reported, that they had been with the Councill, and yt the Councill had given them the bill & ye amendmts with their Refolutions thereupon wch he delivered in at the table.

An Engroffed bill Entituled *an act prefcribing ye method of appointing County Court Clerkes, and for afcertaining ye fees of ye Secretary, County Court, Clerkes, Sherrifs and Conftables* was read ye third time

Refolved That ye bill do pafs

Ordered That Mr *Robt Beverley*, Mr *Francis Merriwether*, Mr *McCarty* and Mr *Gouldman* do carry ye faid bill to ye Councill, and defire their concurrence thereto

The houfe proceeded to take into confideration ye amendments propofed by ye Councill to the bill Entituled *an act for Eftablifhing the County Courts for regulating and fetling ye proceedings therein, and directing ye manner of granting probats of wills, and adminiftrations of inteftates Eftates*, and ye fame being read, upon a motion made—the houfe refolved it felf into a Comittee of ye whole houfe upon the faid amendments, and after fome time fpent therein, Mr *Speaker* refumed the Chair, and Mr *Peter Beverley* reported from ye faid Comittee, yt they had come to feveral Refolutions thereon, which he read in his place, and then delivered in at the table, where ye fame being again read, and agreed unto by ye houfe, part of the faid amendments were agreed without amendments, and part with, and the other difagreed unto.

Ordered That Mr *Peter Beverley*, Mr *Hill*, Mr *Ball* and Mr *McCarty* do carry the faid bill to the Councill and acquaint them with the proceedings of this houfe thereupon, and defire their Honours concurrence thereto

A meffage from ye Councill by Mr *Robertfon*, yt the Councill have agreed to the book of Claimes with feveral additions and amendments

A written meffage from ye Councill by Mr *Robertfon*

June 18th 1706

Mr Speaker *and Gentlemen of the houfe of Burgeffes*

The Councill [having] taken into confideration yt ye Joint Comittee of Councill. and Burgeffes appointed Laft meeting of Affembly in relation to the Capitol, had not time to give fo full directions as was neceffary by Reafon of ye adjournment, which fpeedily enfued, do now propofe, that the faid Comittee be revived, yt fo every thing neceffary for the finifhing the Capitol may be fully agreed on before the termination of this Seffion

The faid meffage being read.

Ordered That the faid Comittee be revived, and yt they do meet the Comittee of the Councill appointed for that purpofe, as Occafion fhall require

And then the houfe adjourned till to morrow morning nine a Clock.

Wednefday June the 19th 1706

THE houfe proceeded to take into Confideration ye Councills refolutions on their amendments to the bill Entituled *an act concerning ye Church Clergy, and other parochial affaires*. & ye fame being read:

Refolved That ye houfe do adhere to their former difagreeing to the faid amendments.

The houfe proceeded to take into confideration ye amendments propofed by ye Councill to the book of Claimes, and ye fame being read, one of ye faid amendments were agreed, and ye other difagreed unto.

Ordered That the Comittee for publiq claimes do carry to the Councill the bill Entituled *an act concerning ye Church Clergy, and other parochial affaires* with the amendments, and acquaint their Honours, yt this houfe do adhere to their former difagreeing to ye faid amendments, and alfo yt the faid Comittee do carry to the Councill the book

of

of Claimes, and acquaint their Honours, that this houſe hath agreed to one of the amendments propoſed by them to the ſaid book, and diſagreed to the other, and deſire them to paſs the book without thoſe amendments which this houſe hath not agreed to.

A meſſage from ye Councill by Mr *Robertſon*, that the Councill have agreed to the amendments propoſed by this houſe to the amendments propoſed by them to the bill Entituled *an act for Eſtabliſhing the County Courts for regulating and ſettling the proceedings therein, and directing the manner of granting probates of Wills and adminiſtration of Inteſtates Eſtates*, and alſo, that the Councill do recede from the amendments propoſed by them to y^e^ ſaid bill, which are not agreed to by this houſe.

Alſo, y^t^ the Councill have agreed to the bill Entituled *an act for the Regulation and ſettlement of ferries, and for diſpatch of publiq expreſſes* with ſome amendments to which they deſire the concurrence of this houſe

Then the houſe proceeded to take y^e^ ſaid amendments into conſideration, and y^e^ ſame being read were agreed unto by the houſe and made in the bill

A meſſage from ye Councill by Mr *Robertſon*, y^t^ the Councill do recede from the amendments propoſed by them to the book of Claimes, which are not agreed unto by this houſe.

And the amendment agreed to being made in y^e^ ſaid book

Ordered That Mr *Miles Cary*, Mr *Tayloe*, M^r^ *Wm Armſtead* & Mr *Ball* do carry y^e^ ſame to ye Councill, and acquaint them therewith.

A Comittee for proportioning the publiq Levy (*Viz^t^*)

Mr *Miles Cary*.....Mr *Ball*
Mr *Tayloe*.....Mr *Nathanael Weſt*
Mr *William Armſtead*.....Mr *Bird*

Mr *Peter Beverley* reported y^t^ ye Comittee of propoſitions and Grievances had (according to order) prepared an addreſs to his Exc̄y on the Reſolves of this houſe, made upon the petition of *Edward Creekmore*, and others, which he read in his place, and then delivered in at the table, where the ſame, being again read, was agreed unto by the houſe, and is as followeth

To his Exc̄y *Edward Nott* Eſq^r^ her Mātys Lievt and Governour general of *Virginia May it pleaſe Yo^r^ Exc̄y*

Wee her Mātys dutifull and Loyall ſubjects the Burgeſſes of this her Colony and dominion of *Virginia* now aſſembled humbly beg Leave to repreſent to Yo^r^ Exc̄y. y^t^ Wee have taken into Conſideration ye Complaint of *Edward Creekmore*, *Henry Dale*, *John Creekmore*, *Edmund Creekmore*, *Richard Hodges*, and *Roger Hodges* inhabitants of *Norfolk* County within this dominion, and that thereupon, it doth appear to Us, y^t^ the Rent gatherers of *North Carolina* in ye name of the Proprietors thereof have for ſome time paſt demanded and made diſtreſs for the Quit rents of ſeveral parcells of Land which they hold by Virtue of Patents granted by Mr *Edmund Andrōſs* late Governour here, and y^t^ y^e^ ſaid Complainers by meanes of y^e^ ſaid unjuſt proceedings Lye under great hardſhip, and that for remedy thereof, Wee conceive it neceſſary ye bounds of this dominion next to *North Carolina* ſhould be Laid out and aſcertained, as ſoon as conveniently may be, but foraſmuch as that Work may remaine unperformed for ſome time. Wee therefore pray Yo^r^ Exc̄y to take ſuch meaſures, as You in Yo^r^ wiſdom ſhall think moſt proper for ye future prevention of ye like hardſhips to the ſaid complainers or any other of her Mātys ſubjects who have the happineſs to live under Yo^r^ Exc̄ys Government.

Ordered That the ſaid addreſs be fairly tranſcribed and ſigned by Mr *Speaker*, and y^t^ the Comittee of propoſitions and Grievances do carry the ſame to his Exc̄y.

A meſſage from ye Councill by Mr *Robertſon*, y^t^ ye Councill have agreed to the book of Claimes, as it is amended

And then the houſe adjourned till to morrow morning nine a clock

Thurſday

Thurſday June the 20th 1706

A MESSAGE from ye Councill by Mr *Robertſon* yt ye Councill have agreed to the bill Entituled *an act preſcribing ye method of appointing County Court Clerks, and for aſcertaining ye fees of ye Secretary County Court Clerks, Sherrifs and Conſtables* with ſome amendments to which they deſire the concurrence of this houſe.

Alſo, yt the Councill have agreed to ye Order for payment of ye money contained in yr book of Claimes.

Then the houſe proceeded to take ye ſaid amendments into Conſideration, and ye ſame being read part of the ſaid amendments were agreed without amendments, and part with, and the other diſagreed unto.

Ordered That Mr *Harriſon*, Mr *Taylor*, Mr *Ball*, & Mr *Gaddis* do carry ye ſaid bill to the Councill, and acquaint them with the proceedings of this houſe thereupon, and deſire their Honours concurrence thereto.

Mr *Miles Cary* reported, yt ye perſons appointed, had (according to order) proportioned ye publiq Levy, and yt it amounted unto three pounds and a quarter of Tobacco per pole for ye payment whereof, the ſaid Comittee had prepared a bill which he preſented to the houſe together with the book of proportions, and ye ſame being received, ye ſaid bill was read the firſt time, & ordered to be read a ſecond time.

A meſſage from ye Councill by Mr *Robertſon*, yt ye Councill deſire a free conference with this houſe on the ſubject matter of their amendments to the bill Entituled *an act preſcribing ye method of appointing County Court Clerks, and for aſcertaining the fees of ye Secretary, County Court Clerks, Sherrifs & Conſtables*, and that they have appointed three of their members to manage ye ſame with ſuch a number of Burgeſſes, as this houſe ſhall think fit, and yt their managers will be ready to meet thoſe appointed by this houſe to morrow morning at eight a Clock in ye conference Room.

Which Conference upon ye Queſtion put, being agreed to

Mr *Robt Beverley*.....Mr *Gaddis*
Mr *Harriſon*.....Mr *Ball*
Mr *Edwards*.....Mr *Harry Beverley*

Were appointed managers for the houſe in the ſame, & ordered to attend the Council at the time and place by them appointed.

Ordered That Mr *Harriſon* Mr *Gaddis*, Mr *Ball* and Mr *Harry Beverley* do go to ye Councill and acquaint them, that this houſe hath agreed to the conference by them deſired, and that they have appointed managers accordingly.

The book of proportions was read, and agreed unto by ye houſe

Ordered That Mr *Harriſon*, Mr *Gaddis*, Mr *Ball*, and Mr *Harry Beverley* do carry ye ſame to ye Councill, and deſire their concurrence thereto

A bill Entituled *an act for raiſing a publiq Levey* was read the ſecond time & ſome amendments being made therein & twice read

Ordered That ye ſaid bill with the amendments be Engroſſed

A motion was made, yt a ſuitable allowance be made to Mr *Bird* for his appearing as agent for this Countrey in *England*.

And after a debate, the Queſtion being put

That ye ſaid motion be now taken into Conſideration

It paſt in the Negative

And then the houſe adjourned till to morrow morning nine a Clock

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Fryday June 21ſt 1706

AN Engroſſed bill Entituled *an act for raiſing a publiq Levy* was read the third time

Reſolved That the bill do paſs

Ordered That ſuch members of the Comittee of publiq Claimes as are now in ye houſe do carry ye ſaid bill to the Councill, and deſire their concurrence thereto

The

The houſe proceeded to take into conſideration ye petition of *Miles Cary*, *William Buckner* and *William Robertſon* Attorneys of Coll^o^ *Francis Nicholſon* praying y^t^ directions may be given to Mr *Henry Cary* to make over to the ſaid Coll^o^ *Nicholſon* ye two Country houſes in the City of *Williamſburgh* purſuant to an ordinance of Aſſembly, and the ſame being read

Ordered That Mr *Henry Cary* do convey and make over unto Coll^o^ *Nicholſon* the Countrey houſes in the City of *Williamſburgh* according to ye ordinance of Aſſembly

Ordered That all the materials and Utenſils belonging to the Capitol which are now in the hands of y^e^ ſaid *Henry Cary*, and neceſſary for the carrying on ye building of the Governours houſe be appropriated to that Uſe, and that all the other materials in his hands belonging to the Capitol be ſold

Ordered That the Sum of one hundred and five pounds due from the ſaid *Henry Cary* to the Countrey for the three Negroes ſold him, and all the money ariſing upon the ſales of the houſes and materials aforeſaid be appropriated to the carrying on the building of the Governours houſe, and y^t^ he give account thereof to the next Aſſembly.

Ordered That y^e^ ſaid *Henry Cary* do fit up the Office belonging to the houſe of Burgeſſes uſefull for preſerving the Records and papers thereto belonging

Ordered That y^e^ ſaid *Henry Cary* do cauſe the pavements in ye Piazzas to be taken up, and new Laid, and y^t^ the well be filled up and the pavement of ye walk Leading thereby finiſhed.

Ordered That that part of ye floor above y^e^ ſteps in ye houſe of Burgeſſes be made even with the other parts of ye floor, and y^t^ all ye benches therein be made broader.

Ordered That Mr *Miles Cary*, Mr *Bland*, Mr *N. Weſt*, and Mr *William Armſtead* do carry coppies of y^e^ ſaid orders to the Councill and deſire their concurrence thereto.

Mr *Robt Beverley* from ye free conference with the Councill on y^e^ ſubject matter of ye amendments propoſed by them to ye bill Entituled *an Act preſcribing ye method of appointing County Court clerkes, and for aſcertaining ye fees of ye Secretary County Court Clerkes, Sherrifs and Conſtables* reported the ſubject matter of the ſaid conference and thereupon ye houſe proceeded to take y^e^ ſame into conſideration and the ſaid amendments being ſeverally read, ye houſe agreed to ſome of them, and to ye other, inſiſted upon their diſagreeing.

Ordered That ye perſons who managed y^e^ ſaid conference do go to the Councill, and deſire a free conference upon the ſubject matter of the Laſt free conference upon the ſaid amendments.

A meſſage from ye Councill by Mr *Robertſon* y^t^ ye Councill do agree to y^e^ ſaid conference, and that they have appointed three of their members to manage y^e^ ſame with ſuch a number of Burgeſſes, as this houſe ſhall think fit, who will be ready in ye conference room at five a Clock this afternoon.

Ordered That the members who managed ye Laſt free conference do Likewiſe manage this

And then the houſe adjourned till five a clock in ye afternoon

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Poſt meridiem

A MESSAGE from ye Councill by Mr *Robertſon*, that ye Councill have agreed to ye bill Entituled *an act for raiſing a publiq Levy* without any amendments Alſo, y^t^ ye Councill have agreed to ye book of proportions without any amendments

Alſo, y^t^ ye Councill have agreed to ye orders of this houſe concerning ye Capitol with ſome amendments to which they deſire ye concurrence of this houſe

Then ye houſe proceeded to take y^e^ ſaid amendments into conſideration, and y^e^ ſame being read, were agreed unto by ye houſe, and are in theſe words, to wit, 21^ſt^ line at ye end add [and y^t^ he fit up ye Secretaries office, and Councill office, with ſuch preſſes, bars and deskes as are wanting there, according to the direction of ye Secretary and

Clerk

Clerk of ye Councill At the end add [Ordered that the ſaid *Henry Cary* cauſe ſuch alterations to be made in the general Cofurt houſe, as ſhall be directed by the Governour and Councill.

Ordered That Mr *Miles Cary*, Mr *Bland*, Mr *Nathanael Weſt*, & Mr *William Armſtead* do carry the ſaid orders to ye Councill, and acquaint them therewith

Mr *Peter Beverley* reported, that ye Comittee appointed, had (according to order) delivered ye addreſs relating to ye petition of *Edward Creekmore*, and others to his Exčy, and that thereupon he was pleas'd to expreſs himſelf to this effect; y^t^ he had already writt to the Governour of *Carolina* to deſiſt from thoſe proceedings, and not to make any Encroachments, until a ſettlement of the difference between us, and y^t^ he would do all, that in him Lay with the advice of the Councill to anſwer our deſires

And then the houſe adjourned till to morrow morning nine a Clock

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Saturday June the 22^d^ 1706

THE amendments agreed on by the Councill and this houſe to y^e^ ſeveral bills following *Viz^t^*.

A Bill Entituled *an act for Eſtabliſhing ye County Courts for regulating and ſetling the proceedings therein, and directing ye manner of granting probates of Wills and adminiſtration of Inteſtates Eſtates*

A Bill Entituled *an act for ye Regulation and ſettlement of ferries, and for diſpatch of publiq expreſſes*

A Bill Entituled *an act for preventing frauds in the Cuſtoms, and in clearing of ſhips, for aſcertaining Collectors and Naval Officers fees, and to prohibit and prevent ye Caſting of Ballaſt and dead bodies into Rivers and Creeks*

Being made in the bills

Ordered That Mr *Randolph*, M^r^ *McCarty* Mr *William Armſtead*, & Mr *Taylor* do carry the ſaid bills to ye Councill, & acquaint them therewith.

Ordered That ye Acts which ſhall paſs this preſent Seſſion of Aſſembly be printed, and y^t^ Mr *Speaker* do cauſe y^e^ ſame to be done.

Ordered That the Clerk of this houſe deliver to the Speaker a Coppy of the ſaid acts.

A meſſage from ye Councill by Mr *Robertſon*, y^t^ the Councill, have paſſed, as amended, the ſeveral bills following, to wit,

A Bill Entituled *an act for Eſtabliſhing ye County Courts, for regulating and ſetling ye proceedings therein, & directing the manner of granting probates of Wills, and adminiſtration of Inteſtates Eſtates.*

A Bill Entituled *an act for ye Regulation & ſettlement of ferries, and for diſpatch of publiq expreſſes*

A bill Entituled *an act for preventing frauds in ye cuſtomes, & in clearing of ſhips, for aſcertaining Collectors & naval Officers fees and to prohibit and prevent ye caſting of ballaſt and dead bodies into Rivers and Creekes.*

Mr *Robt Beverley* reported y^t^ ye perſons appointed, had (according to order) examined ye enrolled bills, and that they did agree with the Engroſſed bills

Ordered That Mr *Robt Beverley*, Mr *Edwards*, Mr *Bland*, Mr *Francis Merriwether* do carry y^e^ ſaid bills to the Councill for their Examination and peruſal.

A meſſage from the Councill by Mr *Robertſon*, y^t^ the Councill have peruſed the ſeveral enrolled bills ſent to them by this houſe, and that they are ſatisfied the ſaid bills are truly enrolled.

A written meſſage from his Exčy by Mr *Robertſon*

Gentlemen

I have conſidered yor addreſs for diſcontinuing the Reſtraint on ye Land on ye South ſide of *Blackwater* ſwamp and in *Pomunky* Neck, and take the Opportunity before I conclude this Seſſion to acquaint you of my intentions to comply with yor deſire after

I have advifed with ye Councill in fetling proper Rules for preventing all difputes that may happen about priority of Entries I fhall forthwith give directions for Laying open the Land in *Pomunky* Neck, and whenever the bounds of ye Counties on ye South fide *black water* fwamp are fetled according to the Act agreed on this Seffion, the Like permiffion fhall be given for making Entries there

And as to yor addrefs in Relation to the bounds between this Colony and *North Carolina*, and for preventing the Encroachments of that Government, I have already written to the Deputy Governour of *North Carolina*, and fhall write to the chief Governour of *Carolina* to prohibit any fuch Encroachments, untill thofe bounds be adjufted, and in the mean time fhall take all ye care I can to protect her Mãtys fubjects holding Lands by *Virginia* patents from any difturbance from that Government

Edw: Nott.

A Meffage from his Exčy by Mr *Robertfon*

Mr *Speaker*

His Exčy comands the immediate attendance of the houfe upon him in Council at his own houfe

Accordingly Mr *Speaker* with the houfe went to attend his Exčy, where he was pleafed to pafs ye feveral bills following *Viz^t^*

An act directing ye building an houfe for the Governour of this Colony and dominion.

An Act Eftablifhing ye general Court and for regulating and fetling the proceedings therein.

An Act for Enlarging ye power of ye fherrif, attending ye general Court and of the conftables of Bruton *parifh.*

An Act concerning ye granting, feating and planting, and for fetling the titles and bounds of Lands, and for preventing un Lawfull fhooting and Ranging thereupon

An act directing ye duty of furveyors of Land and afcertaining their fees

An act declaring ye negro, Mulatto and Indian flaves within this dominion to be real Eftate

An act for fetling the militia

An act to prevent Indians hunting & ranging upon patented Lands.

An act for raifing a publiq revenue for ye better fupport of the Government of this her Mãtys Colony and dominion of Virginia, *and for afcertaining the Sallary of the Councill.*

An act for preventing frauds in the Cuftomes, and in clearing of fhips for afcertaining Collectors and Naval Officers fees and to prohibit and prevent the Cafting of Ballaft and dead bodies into Rivers and Creeks

An act for ye continuing of general affemblies in eafe of the death or demife of her Mãty her Heires or fucceffors, and for making valid all acts of the Governour and Councill and all Judgements and Proceedings at Law, which fhall happen between the death of any King or Queen of England, *and the Notification thereof in this Countrey*

An act Laying an impofition upon fkins and furrs for the better fupport of the Colledge of William *and* Mary *in* Virginia.

An act for ye Effectual fuppreffion of Vice and Reftraint and punifhment of blasphemous, wicked and diffolute perfons

An act for fecurity and defence of ye Countrey in times of danger.

An act concerning Juries

An Act for ye diftribution of Inteftates Eftates declaring widows Rights to their deceafed hufbands Eftates, and for fecuring Orphans Eftates.

An act declaring how Long Judgements, Bonds Obligations and Accounts fhall be in force, for ye affignment of bonds and Obligaēons directing what proofs fhall be fufficient in fuch Cafes, and afcertaining ye damage upon protefted bills of Exchange.

An act for Limitation of actions and avoiding of Suites

An Act for Attorneys profecuting Suites on behalf of perfons out of the Countrey to give fecurity for ye payment of fuch cofts and damages, as fhall be awarded againft them.

An act directing ye manner of Levying Executions, and for relief of poor Prifoners for debt.

An

An act for removing Criminals from ye Goales of the Counties where they ſhall be apprehended to ye publiq Goal at Williamſburgh.

An act for making, clearing and repairing ye highwayes, and for clearing the Rivers and Creekes.

An act for regulating Ordinaries, & reſtraint of tipling houſes.

An act for Encouragement of building water mills

An act for Eſtablifhing ports and Townes

An act continuing the act directing ye building the Capitol, and ye City of Williamsburgh *with additions*

An act for confirming titles to town Lands.

An act for Naturalization

An act for improving y^e ſtaple of Tobacco, and for regulating y^e ſize and tare of Tobacco hogſheads.

An act to prevent ſhips ſailing in contempt of Embargoes.

An act concerning marriages

An act concerning ſervants and ſlaves.

An act to prevent killing deer at unſeaſonable times.

An act to explain part of an act of this preſent ſeſſion of Aſſembly Entituled an act directing ye manner of Levying Executions and for relief of poor priſoners for debt.

An act for prevention of miſunderſtandings between the tributary Indians, and other her Mãtys ſubjects of this Colony and Dominion and for a free and open trade with all Indians whatſoever

An act for ye regulation and ſettlement of ferries, and for diſpatch of publiq Expreſſes

An act appointing a treaſurer

An act making ye french *Refugees inhabiting at the* Manakin *town, and ye parts adjacent a diſtinct pariſh by themſelves, & exempting them from the payment of publiq and County Levies untill the twenty fifth day of* December *One thouſand ſeven hundred and eight.*

An act confirming ye Naturalization of Joſhua Mulder *and others*

An act for ſetling ye dividing Lines between the Counties of Prince George, Surry Iſle *of* wight *and* Nanſemond *on the South ſide* black water *Swamp*

An act for raiſing a publiq Levy.

237-238

JOURNALL

OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at her Majesty Queen ANNE'S Royal Capitol The Twenty fifth Day of *October* In the Ninth Year of The Reign of Our Sovereign Lady ANNE Queen of *Great Brittain France* and *Ireland* Annoq, Domini 1710

RICHMOND, VIRGINIA.

MCMXII.

JOURNALL

of the

HOUSE OF BURGESSES

Wedneſday October 25th 1710

DIVERSE Burgeſſes to The Number of forty having Taken The Oaths by Law Appointed and Subſcribed The Teſt Did Meet in The houſe

A Meſſage from The Honble The Leivt Goverr by Mr *Robertſon*

Gentlemen of the houſe of Burgeſſes

The Governor Comands your Imediate Attendance on him in the Council Chamber.

Accordingly The Burgeſſes Went to Attend The Governor And he was pleaſed to Say to This Effect

Gentlemen,

I am very Glad to See So Good an Appearance I Look upon your Ready Concurrence in Meeting So Soon As a Good Omen of Your Concurrence in your future Conſultations; you are to Return to Your houſe And Make Choice of a Speaker.

And Thereupon The Burgeſſes being Returned

A Motion was Made,

And after a Debate, The Queſtion put—That The houſe proceed to The Imediate Choice of a Speaker

Reſolved in The Affirmative

Then The houſe proceeded to The Choice of a Speaker and after The Nomination of Three perſons and ſome Time Spent Therein Did Chooſe Mr *Peter Beverley* for Their Speaker Who Was by two Members Conducted and placed in The Chair

Ordered That Mr *William Robinſon*, Mr *Armiſtead*, Mr *Merriwether* Mr *Chriſtopher Robinſon*, Mr *Waller*, Mr *Barbar*, Mr *Dudley*, Mr *Smith*, Mr *Burwell*, Mr *John Bolling* Mr *Epes* and Mr *Byrd* do Attend The Governor And Acquaint him That The houſe have Made Choice of a Speaker, and to Know his pleaſure When The houſe ſhall Wait upon him to preſent him.

And Then The houſe adjourned Till to Morrow Morning Ten a Clocke—

Thurſday October 26th 1710

MR. *William Robinſon* Reported That the perſons Appointed had (According to Order) Waighted on The Governor, And Acquainted him that This houſe had Made Choice of their Speaker and That They Waighted his pleaſure to know When They ſhould preſent him—

A Meſſage from The Honble The Leivt Governor by Mr *Robertſon*

Mr Speaker *and Gentlemen of The Houſe of Burgeſſes*—

The Governor Comands Your Imediate Attendance on him in The Council Chamber—

And Accordingly The Houſe Went to Attend The Governor And being Returned Mr *Speaker* Acquainted the Houſe To This Effect; That He had Repreſented to the Governor

Governor That The houſe had been pleaſed to Mak Choice of him to be Their Speaker Which was by The Governor Approved off, & That Thereupon in The Name of The Burgeſſes he humbly Moved That all The Antient Rights And priviledges of The Burgeſſes might be Continued to This Aſſembly, That They and Their Servants in Their perſons and Eſtates might be free from Arreſts, and other Diſturbances, That in all Their Debates They Might have freedom and Liberty of Speech and as Occaſion Requires acceſs to his Honours perſon; and That Thereupon his Honour was pleaſed to Say They Were Granted as was uſual and Lawfull.

After which Mr *Speaker* further Acquainted The Houſe That the Governor was pleaſed to Make a Speech, and That The ſame Being Long he had obtained a Copy Thereof which he Read and Then Delivered in at The Table, The ſame being as follows *Gentlemen*

The High Honour I Receive from her Moſt Gratious Majeſty to Preſide here over the Affairs of This Colony Would be a province far unequal to my Abillitys, Without The frequent Aſſiſtance of Such a Council as I Think my Self already happy in, And of Such an Aſſembly as I Expect to Meet in This Honourable Appearance—

You are Now Called Together Chiefly for your own Good, to Conſider of and provide what may be yet neceſſary for The happineſs and Security of Your Selves and your poſterity; and Surely The only Method to Accompliſh Thoſe Ends, is by obſerving That Laudable Rule of Union among your Selves which her Majeſty ſo Earneſtly Recommends to all her people, Wherefore as you Tender The Comands of So Gratious a Soveraign and The Welfare of Thoſe you Repreſent, Let me now have The Sattisfaction of Meeting you without factions and Jarrs Which Cannot but weaken your Conſultations.

I am Comands [ed] to put you in Mind of Appropriating a farther Sume of Mony for The Speedy perfecting The Governors houſe. This is a Matter in Which Your own Honour is now ſo far Engaged, That I no Ways Doubt of your Ready Complyance, The ſame Reaſons which prevailed for the Beginning, do now Doubly plead for The finiſhing of it and as you Deſigned it for an honourable Reception, ſo I hope you no Leſs Intend to Make it a Comodious one

I Would Willingly Whiſper to You The Strength of Your Country and The State of Your Militia; Which on The foot it Now Stands is ſo Imaginary A Defence, That we Cannot too Cautiouſly Conceal it from our Neighbours and our Slaves, nor too Earneſtly Pray That Neither The Luſt of Dominion, nor The Deſire of freedom May Stir thoſe people to any Attempts The Latter Sort (I mean our Negro's) by Their Dayly Encreaſe Seem to be The Moſt Dangerous; And the Tryals of Laſt *Aprill* Court may ſhew that we are not to Depend on Either their Stupidity, or that Babel of Languages among 'em; freedom Wears a Cap which Can Without a Tongue. Call Togather all Thoſe who Long to Shake of The fetters of Slavery and as Such an Inſurrection would ſurely be attended with Moſt Dreadfull Conſequences ſo I Think we Cannot be too Early in providing Againſt it, both by putting our Selves in a better poſture of Defence and by Making a Law to prevent The Conſultations of Thoſe Negros.

I have ſo much at heart the advancing by all proper Methods The Welfare of This Colony, That I ſhall Ever with Joy Communicate to you The favors her Majeſty ſhall During My Time beſtow on it: And I now am glad to Tell you her Late Royall Inſtructions to me Contain Such an Indulgence to her Subjects here by granting Them ye benefit of The *Habeas Corpus* Act, That I hope your Behaviour This Seſſion Will Expreſs your Thank fullneſs for The ſame.

I muſt Likewiſe Acquaint you, That, for The Better prevention of Long Impriſonments I am (by the ſame Inſtructions.) to Appoint two Courts of oyer & Terminer to be held Yearly In *December* and *June*. And ſeeing her Majeſty Deſigned The Charge hereof ſhould be paid by The publick Treaſury, This ſurely Can Admit of no Other Conſtruction, Than her Tender Regard to The Liberty of her Subjects.

And ſhould I paſs over in Silence her Maj^tys^ late Repeated Bountys to The Colledge your Sons Would, I'm ſure hereafter Exclaim Againſt me for not Doing Juſtice

to

to that Royal Piety, which is Evidently Laying The foundation of Their happineſs.

The Low price of Tobacco at preſent May Impoveriſh and Diſcourage The Country, but The Diſcontents & Murmurings of Thoſe people, are groundleſs, Who Think This Calamity Occaſioned by The High Dutys in *Great Brittain*, Leaſt This Error Should Abate The Chearfulneſs with Which you Ought to Act for The Comon Good of Both Countrys, give Me Leave to Set The Caſe in a True Light. Conſider That Tobacco vended in forreign Markets under The halfpenny Duty, has made Worſe Returns, Than That Which has been ſold at home under The Sixpenny Duty and Call to Mind That about the year 1682: when That Comodity Lay under no More Than a Two penny Duty, Even Then it Turn'd to as bad an Account as now. So That I Think The unhappy State of *Europe* is The Trueſt Cauſe you Can aſſign for This Decay in your Trade; which Doubtleſs will Revive and flouriſh ſo ſoon as her Majeſty has Compaſſed That Glorious Work ſhe has in hand, of Reſtoring peace to Chriſtendom

I will Conclude with Telling you, That I ſhall, as I find you at Lieſure, lay before you Some Acts That need amendments by Reaſon They Contain Clauſes which have been Judged unfit for The Royal Approbation; and here let me Mind you, how vainly you Make Laws, if They Square not Either with The prerogative of The Crown or With The Intereſt of That Country Which protects us

Wherefore if you Expect to Reap any fruits from This or any other Seſſion, You muſt in all your Conſultations have Theſe Three points in view *viz*^{t} The Glory of God The Honour of your Soveraign & ye General advantage of her Subjects.

Ordered That the Said Speech do Lie upon The Table—

Upon The Several petitions of *William Careleſs Andrew Elmſe, Richard Farrell* and *Edward Dyer* praying to be Admitted Door Keepers to The houſe

Ordered That They be Accordingly Admitted and That They give Their Reſpective Attendance on The houſe This Seſſion.

The orders of The houſe for Laſt Seſſion being Read at The Table

Reſolved That The houſe do Approve of The ſame And That They ſhall Continue orders for This Seſſion—

Ordered That The Said orders ly Conſtantly upon The Table for Every Members peruſal

Ordered That The houſe be Called over as often as ſhall be Thought Convenient and That Thoſe Members who ſhall be Wanting in their Duty of Attendance be Lyable to the Cenſure of The houſe

Reſolved And Accordingly *Ordered*

That it be a Standing Rule of This houſe That fifteen Members with The Speaker ſhall be a Sufficient Number to Adjourn

The petition of Mr *Miles Cary* praying to be Admitted Clerke to The Comittee of Claims being Read

Ordered That he be Admitted Clerk to The Said Comittee and That he give his Attendance Accordingly.

The petitions of *Thomas Bray, Michael Archer Chriſtopher Jackſon*, and *Thomas Eldridge*, Each of Them praying to be admitted Clerk to The Comittee of propoſitions & Grievances Were ſeverally Read—

And after Some Time Spent in Debate

And The Queſtion put

Ordered That Mr *Michael Archer* be Clerke to The Comittee of Propoſitions and Grievances and That he give his attendance Accordingly.

A Comittee for Elections and Priviledges

Mr *William Robinſon* Chairman

Mr *Cary*.....Mr *Allerton*

Mr *Merriwether*.....Mr *Baughan*

Ordered That The Clerk of The houſe Deliver to The Chairman of The Comittee for Elections and Priviledges The Several Writts for Election of Burgeſſes which ſhall Come

Come to his hands, and That The Said Comittee Take into Their Conſideration The Several Returns Thereon and Make Report of Their proceedings and opinions Therein to The houſe.

Ordered That Mr *Miles Cary* be Clerk of The Said Coñittee and Give his attendance Accordingly.

A Coñittee for Publick Claims

Mr *Holloway* Chairman

Mr *Armiſtead*	Mr *Barbar*
Mr *Ball*	Mr *Neal*
Mr *Eskridge*	Mr *Smith*
Mr *John Robinſon*	Mr *Epes*
Mr *Fox*	Mr *Milner*

A Comittee for Propoſitions and Grievances

Mr *Randolph* Chairman

Mr *William Robinſon*	Mr *Allerton*
Mr *Cary*	Mr *John Bolling*
Mr *Chriſtopher Robinſon*	Mr *Waller*
Mr *Merriwether*	Mr *Burwell*
Mr *Wilſon*	Mr *Dudley*

Ordered That The Comittees have power to Adjourn Them ſelves *de die in diem* And to Send for perſons Records Journals and other papers They ſhall from Time to Time have Occaſion of

Reſolved and Accordingly *Ordered*

That all propoſitions Grievances and Publick Claims be brought into The houſe on The Second Day of *November* next at furtheſt or Not to be Received in This Seſſion of Aſſembly Without Particular Leave of The Houſe.

Ordered That The Clerk of The houſe publiſh The furtheſt Time Set by The houſe for Receiving Propoſitions Grievances and Publick Claims During This Seſſion by Setting up a fair Copy of The Reſolve of The houſe Made in That Behalf.

Ordered That The Comittee of Propoſitions and Grievances Inſpect The Journals of This houſe at The Laſt Seſſion and Report to The houſe what They find Neceſſary to be Taken into Conſideration This Seſſion

Ordered That The Comittee for Publick Claims Inſpect The Report of The Said Comittee at The Laſt Seſſion and Report to The houſe What They find Neceſſary to be further Conſidered This Seſſion

Reſolved and Accordingly *Ordered*

That all petitions Propoſitions and Grievances Directed for The Laſt Seſſion of Aſſembly and not Then Conſidered be Admitted to the Conſideration of This Seſſion

Mr *Burwell* Moving for Leave to go into The Country on his private Occaſions Leave is accordingly given him.

Ordered That he Attend The Service of The houſe again on *Munday* Next.

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke.

Fryday October 27th 1710

MR. *William Robinſon* from The Comittee of Elections and Privilledges Reported That the Said Coñittee had Taken into Conſideration The Several Returns on The Writts Coñitted to Them, And Therein had Come to Several Reſolutions Which he Read in his place and Then Delivered Them in at The Table Where Being again Read The houſe Took The ſame into Imediate Conſideracon and With Amendment Agreed to The Said Report as follows.

Reſolved That Mr *Peter Beverley* and Mr *Ambroſe Dudley* are Duly Returned Burgeſſes to Serve in This preſent Gener[ll] Aſſembly for The County of *Glouceſter*—

Reſolved

Reſolved That Mr *William Harwood* and Mr *William Cary* are duly Returned Burgeſſes to Serve in This preſent General Aſſembly in The County of *Warwick*

Reſolved That Mr *William Gray* and Mr *John Simons* are Duly Returned Burgeſſes to Serve in This Preſent Generall Aſſembly for The County of *Surry*—

Reſolved That Mr *George Maſon* and Mr *John Waugh* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Stafford*—

Reſolved That Mr *Hancock Cuſtis* and Mr *Richard Drummond* are Duly Returned Burgeſſes to Serve in this preſent General Aſſembly for The County of *Accomack*.

Reſolved That Mr *Maximillian Boush* and Mr *Henry Spratt* are Duly Returned Burgeſſes to Serve in this preſent General Aſſembly for The County of *Princeſs Anne*—

Reſolved That Mr *William Bird* and Mr *John Holloway* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *King* and *Queen*—

Reſolved That Mr *William Tayloe* and Mr *William Robinſon* are Duly Returned Burgeſſes to Serve in this preſent General Aſſembly for The County of *Richmond*—

Reſolved That Mr *Arthur Smith* and Mr *Joſeph Godwin* are duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Iſle* of *Wight*—

Reſolved That Mr *Thomas Cowles* and Mr *Henry Soane* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *James City*.

Reſolved That Mr *James Wilſon* and Mr *George Newton* are Duly Returned Burgeſſes to Serve in This preſent General aſſembly for The County of *Norfolk*.

Reſolved That Mr *Thomas Godwin* and Mr *Francis Milner* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Nanſemond*—

Reſolved That Mr *John Bolling* and Mr *William Randolph* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Henrico*

Reſolved That Mr *Nicholas Curle* and Mr *William Armiſtead* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for the County of *Elizabeth City*

Reſolved That Mr *Littlebury Epes* and Mr *Samuel Harwood* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Charles City*.

Reſolved That Mr *George Eskridge* And Mr *Willoughby Allerton* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Weſtmorland*—

Reſolved That Mr *John Hardiman* and Mr *Robert Bolling* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Prince George*

Reſolved That Mr *John Robinſon* and Mr *Chriſtopher Robinſon* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Middleſex*

Reſolved That Mr *Thomas Ballard* and Mr *William Barbar* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *York*

Reſolved That Mr *Benjamin Nottingham* and Mr *Charles Floyd* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *Northampton*—

Reſolved That Mr *John Waller* and Mr *Henry Fox* are Duly Returned Burgeſſes to Serve in This preſent General Aſſembly for The County of *King William*—

Reſolved That The Return of The Writt for Election of Burgeſſes in The County of *Northumberland* is not made according to Law and Therefore

Ordered That The Sheriff of The Said County of *Northumberland* be ſent for in Cuſtody of The Meſſinger of The Houſe to amend his Return Made on The Writt for Election of Burgeſſes for The Said County, and That Mr *Speaker* Iſſue his Warrant Accordingly

Reſolved That The Return of The Writt for Election of Burgeſſes in The County of *Eſſex*, is not made according to Law, and Therefore

Ordered That The Sheriff of The ſaid County of *Eſſex* be ſent for in Cuſtody of The Meſſinger of The houſe to amend his Return Made on The Writt for Election of Burgeſſes for The ſaid County And That Mr *Speaker* Iſſue his Warrant Accordingly

Reſolved That The Return of The Writt for Election of Burgeſſes in ye County of *Lancaſter* is not Made According to Law, and Therefore

Ordered

Ordered That the fheriff of The faid County of *Lancafter* be fent for in Cuftody of The Meffinger of The houfe to Amend his Return Made on The Writt for Election of Burgeffes for The faid County And That Mr *Speaker* Iffue his Warrant Accordingly.

Refolved That The Return of The Writt for Election of Burgeffes in The County of *New Kent* is not Made According to Law, And Therefore

Ordered That The Sheriff of The Said County of *New Kent* be fent for in Cuftody of The Meffinger of The houfe to amend his Return Made on The Writt for Election of Burgeffes for the Said County and That Mr *Speaker* Iffue his Warrant Accordingly

Refolved That Mr *Nathaniel Burwell* is Duly Returned a Burgefs to Serve in This prefent General Affembly for *James City*

Upon a Motion Made

Ordered That if Mr *Mafon* and Mr *Waugh* (who are returned Burgeffes for The County of *Stafford*) do not attend The Service of The Houfe on *Munday* Next, That Then They be Sent for in Cuftody of The Meffinger to anfwer there Default Therein And That Mr *Speaker* Iffue his Warrant Accordingly

Ordered That Mr *William Robinfon* Mr *Barber*, Mr *Prefly*, Mr *Neale* Mr *John Robinfon* And Mr *Dudley* Wait upon The Governor and Defire him to Iffue out a New Writt for The Electing a Burgefs to Serve in This Affembly for The County of *Richmond* in The Room of *William Tayloe* Gent Dec^{d} and that They alfo Defire him to Iffue out a New Writt for The Electing a Burgefs to Serve in This Affembly for The County of *York* in the Room of *Thomas Ballard* Gen^{t} Dec^{d}

The Comiffion of Mr *Thomas Cowles* Junr to be Meffinger to This houfe was Read

A Petition of Mr *ffrancis Ballard* was prefented to The houfe and Read Complaining of The undue Election of *William Armiftead* Gen^{t} Returned a Burgefs to Serve in this Affembly for The County of *Elizabeth City*.

Ordered That The Confideration of The Said Petition be Referred to The Comittee of Elections and Privilledges and That They do Examine The Matter Thereof, and Report The fame with Their opinion Therein to The houfe

Ordered That The petitioner be heard by his Council According to The prayer of his petition

A petition of Mr *Thomas Parker* was prefented to The houfe and Read Complaining of The Undue Election of Colonel *Littlebury Epes* Returned a Burgefs to Serve in This Affembly for The County of *Charles City*

A petition of Mr *Zachery Lewis* was prefented to The houfe and Read Complaining of an undue Election for the County of *King* and *Queen*

Ordered That The Confideration of the faid Petitions be Referred to The Comittee of Elections and priviledges, and That They Do Examine The Matter Thereof and Report The Same with Their opinions Therein to The houfe

The Grievances of *Elizabeth City* County were Read and Wanting fuch Atteftation as the Law Requires are Therefore Rejected

Several Propofitions and Grievances from The Countys of *Nanfemond*, *Lancafter*, *Princefs Anne*, *Northumberland New Kent*, *Ifle Wight* and *Weftmorland* being Read—

Ordered That The Confideration of The Said Propofitions & Grievances be Referred to The Comittee of Propofitions and Grievances to Report their opinions Thereon.

The Propofition of Mr *William Randolph* and others Concerning the Carrying on an Iron Work being Read.

Ordered That The Confideration of The Said Propofition be Referred to The Comittee of Propofitions and Grievances

Refolved That The houfe will Take The Governors Speech into Confideration on *Wednefday* next

Ordered That The houfe be Called over on *Wednefday* next at Twelve a Clocke.

Ordered That Mr *Wheatly* Read Prayers and That he Attend in The Conferrence Room Every Morning by Ten a Clocke—

And Then The houfe Adjourned Till to Morrow Morning Ten a Clocke.

Satturday

Satturday October 28th 1710

SEVERAL publick Claims from The Countys of

Richmond ..... *Princefs Anne*
Charles City ..... *King William*
Lancaſter ..... *Elizabeth City*
Weſtmorland ..... *Glouceſter*
Henrico ..... *Norfolk*
Northumberland ..... *Warwick*
Eſſex ..... *Nanſemond*
Surrey ..... *King* and *Queen*
and *New Kent*

Were preſented to The houſe and Referred to The Conſideration of the Comittee for publick Claims to Examine the Subject Matter Thereof and Report The ſame with Their opinions Therein to The houſe

Several propoſitions and Grievances from The County of *King* and *Queen* being Read

Ordered That The Conſideration of The Said propoſitions & Grievances be Referred to The Comittee of Propoſitions and Grievances to Report their opinions Therein

The propoſitions of *George Braxton* and others being Read

Ordered That The Conſideration Thereof be Referred to The Comittee of Propoſitions and greivances to Report Their opinions Therein

A Grievance from The County of *King* and *Queen* Containing a Complaint of The undue Election of Burgeſſes for The Said County being Read

Ordered That The Conſideration of The Said Grievance be Referred to the Comittee of Elections and priviledges to be by Them Conſidered with The petition of *Zachary Lewis* Complaining of the ſame matter allready to them Referred—

Mr *William Robinſon* from The Comittee of Elections and Priviledges Reported That The ſaid Comittee had Taken into Conſideration Several of The Matters to Them Refered, and Therein had Come to ſome Reſolutions which he Read in his place and Then Delivered Them in at The Table where being again Read

Ordered That The Conſideration of That part of the Said Report, made upon The petition of Mr *Thomas Parker* Complaining of the undue Election of Colonel *Littlebury Epes* as a Burgeſs to Serve in This Aſſembly for The County of *Charles City*, be Referred Till *Munday* next

Then The houſe proceeded to ye Imediate Conſideration of The Remaining part of The Said Report, and The ſame being agreed to

Ordered That *Thomas Turnſtall, John Baker, James Caughland, Richard Fryer, John Harper, Edward Eaſtham* Junr and *Thomas Wafley* be Sumoned to Appear before The Said Comittee on *Thurſday* The Second Day of *November* next by nine a Clocke in The Morning to give Their Evidence in Behalf of *Zachery Lewis* upon his Complaint of an Undue Election and Return of Mr *William Bird* and Mr *John Holloway* as Burgeſſes for *King & Queen* County, And That Mr *Speaker* Iſſue his warrant accordingly

Ordered That *Richard Roy, Baldwin Mathews, Lyonel Loyd, William Sutherland, Henry Pendleton, John Bullock, Thomas Pemberton William Seamer, John Coleman* and *Joſeph Gray* be ſumoned to Appear before The ſaid Comittee on *Thurſday* The Second Day of *November* Next by Nine a Clock in The Morning to give Their Evidence in Behalf of Mr *John Holloway* in his Defence againſt The Complaint of *Zachary Lewis*, of an Undue Election and Return of Mr *William Bird* and The ſaid Mr *John Holloway* as Burgeſſes for *King* and *Queen* County, and That Mr *Speaker* Iſſue his Warrant accordingly.

And Then The Houſe Adjourned Till *Munday* Morning Ten a Clocke

Munday

Munday October 30th 1710

THE Houſe being Informed That The Meſſinger had purſuant to Mr *Speakers* Warrant Taken into his Cuſtody Mr *Joſeph Foſter* Sheriff of *New Kent* County to Amend his Return on The Writt for Election of Burgeſſes for The ſaid County and That he attended at The Door

Ordered That The ſaid Sheriff be brought into The houſe and That he be Directed to Amend his Said Return Who Being Brought in and having accordingly amended his Return withdrew and Thereupon—

Ordered That The ſaid Sheriff be Diſcharged out of Cuſtody paying fees

Several Grievances from The County of *Prince George* being Read

Ordered That The Conſideration Thereof be Referred to the Comittee of propoſitions and Grievances to Report Their opinions Therein—

The petition of *William Randolph* Junr was Read praying an allowanee of fourteen Thouſand pounds of Tobaeco and Cask for four Copys of The Laws and Journal of The Laſt Aſſembly Delivered to The Late Governor to be by him Sent to *England*, as alſo for one Copy of The ſaid Laws Delivered by order of The laſt houſe of Burgeſſes to The Speaker Thereof, and for one other Copy of The ſaid Laws Delivered to The Clerk of the Secretarys Offiee

Ordered That The Conſideration of The ſaid Petition be Referred to the Comittee for Publick Claims to Report Their opinions Therein

Several publiek Claims from The Countys of

Iſle Wight.....*Prince George*
Nanſemond & York.

Were preſented to The houſe and Referred to ye Conſideration of the Comittee for Publiek Claims to Examine the Subject Matter Thereof and Report The ſame with Their opinions Therein to The houſe—

The houſe (Aecording to order) proceeded to The Conſideration of that part of the Report of the Comittee of Elections and Priviledges made upon the petition of Mr *Thomas Parker* Complaining of The undue Election and Return of Mr *Littlebury Epes* as a Burgeſs to Serve in This Aſſembly for The County of *Charles City* and The ſaid Report being Read, was agreed to And Thereupon—

Reſolved That The Sheriff of *Charles City* County hath falſly Returned Mr *Littlebury Epes* a Burgeſs to Serve in This Aſſembly for The ſaid County.

Reſolved That Mr *Thomas Parker* is Duly Elected a Burgeſs to Serve in This aſſembly for The County of *Charles City*.

Ordered That The Meſſinger do Take into his Cuſtody The Sheriff of *Charles City* County to alter his Return on the Writt for Election of Burgeſſes for the ſaid County, and The houſe being Informed That The Meſſinger had Taken The Said Sheriff into his Cuſtody, and That he attended at The Door

Ordered That the Said Sheriff be brought into The houſe and That he be Directed to alter his ſd Return Who being Aceordingly brought in and having altered his Return withdrew, and Thereupon

Ordered That he be Diſeharged out of Cuſtody paying fees

Mr *William Robinſon* from The Comittee of Elections and priviledges Reported That The Said Comittee had Taken into Conſideration The petition of Mr *Francis Ballard* Complaining of The undue Election of *William Armiſtead* Gent. Returned a Burgeſs to Serve in this Aſſembly for the County of *Elizabeth City*, And That The Said Comittee had Thereupon Come to Some Reſolutions whieh he Read in his plaee and Then Delivered Them in at the Table, where being again Read, The houſe Took the ſame into Imediate Conſideration, and The Said Report Being agreed to.

Reſolved That The Sheriff of *Elizabeth City* County hath falſly Return'd Mr *William Armiſtead* a Burgeſs to Serve in This Aſſembly for The ſaid County

Reſolved

Reſolved That Mr *Francis Ballard* is Duly Elected a Burgeſs to Serve in This Aſſembly for the County of *Elizabeth City*

Ordered That The Meſſinger do Take into his Cuſtody The Sheriff of *Elizabeth City* County to alter his Return on The Writt for Election of Burgeſſes for The Said County And The houſe being Informed That The Meſſinger had Taken The Said Sheriff into his Cuſtody and That he attended at the Door

Ordered That The Said Sheriff be brought into The houſe and That he be Directed to alter his Said Return who being accordingly brought in and having altered his Return withdrew,

and Thereupon

Ordered That he be Diſcharged out of Cuſtody paying fees

The petition of Mr *William Armiſtead* was preſented to the houſe and Read Complaining That Mr *Francis Ballard* after the publication of The Writt for Election of Burgeſſes for The County of *Elizabeth City* Did make feaſts and Treats at his houſe to procure his being Elected a Burgeſs for the ſaid County

Ordered That The Conſideration of The Said Petition be Referred to The Comittee of Elections and priviledges and That They do Examine The Matter Thereof and Report The Same with Their opinions Therein to The Houſe

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke—

Tueſday October 31ſt 1710

SEVERAL Propoſitions and Grievances from The Countys of *Henrico New Kent*, *King William* and *Norfolk* being Referred by the Governor and Council to The Conſideration of The houſe Were Read

Ordered That The Conſideration of The Said Propoſitions and Grievances be Referred to The Comittee of Propoſitions and Grievances to Report Their opinions Therein—

Several publick Claims from *Accomack* County were preſented to The houſe and Referred to The Conſideration of the Comittee for publick Claims to Examine the Subject Matter Thereof & Report The ſame with Their opinions Therein to The houſe

The Claim of The Honourable *Benjamin Harriſon* Eſqr for a Negro Executed and The Claim of *Edward Roſs* for The Ferriage of Indians &c.

Being Referred by The Councill to The Conſideration of the houſe

Ordered That The Said Claims be Referred to The Conſideration of The Comittee for Publick Claims to Examine The Subject Matter Thereof and Report The ſame with Their opinions Therein to The houſe.

The petition of *Edward Roſs* praying an allowance for the Service he Loſt by The Impriſonment of his Negro Man, being Referred by The Council to The Conſideration of the houſe was Read

Ordered That The ſaid petition be Rejected

The petition of Mr *John Clayton* praying an Allowance for his Aſſiſting in the Tryal of *Jack Maſon* a *Tuſcaruro* Indian &

The petition of *Chichely Corbin Thacker George Clough* and *William Robertſon* praying an Allowance for Their attendance as Clerks in the ſaid Tryal

Being Referred by The Council to The Conſideration of the houſe were Read

Ordered That The ſaid Petitions be Rejected The ſaid Services not being a Country Charge

The petition of *John Kimbro* praying his uſual Allowance as a pentioner was Read

Ordered That The Conſideration Thereof be Referred to The Comittee for publick Claims to Report Their opinions Therein

Mr *William Robinſon* from the Comittee of Elections and priviledges Reported That The ſaid Comittee had Taken into Conſideration The petition of Mr *William Armiſtead*

Armiſtead Complaining That Mr *Francis Ballard* Returned a Burgeſs to Serve in This Aſſembly for The County of *Elizabeth City* did Make Treats to procure his Election, And That The Said Comittee had Thereupon Come to a Reſolution which he Read in his place and Then Delivered in at the Table, where being again Read The houſe Took the ſame into Imediate Conſideration and The ſaid Report being Agreed to

Reſolved That the ſaid Complaint is falſe and Scandalous The ſame not being proved

Mr *Randolph* from The Comittee of Propoſitions & Grievances Reported That The Said Comittee had Taken into Conſideration Several of The Matters to Them Referred and Therein had agreed upon Several Reſolutions Which he Read in his place and Then Delivered Them in at The Table where being again Read The houſe proceeded to The Imediate Conſideration of The ſaid Report

And upon Conſideration of The Report of the Said Comittee Made upon The Grievance of *Princeſs Anne* County praying That The Laws may be printed

The houſe Agreed to The Report of The ſaid Comittee *Viz*t

Reſolved That the ſame be Rejected.

And upon Conſideration of The Report of The Said Comittee Made upon The Grievances from The Countys of *Princeſs Anne Lancaſter* and *King* and *Queen* praying That Attorneys fees May be Aſcertained,

After a Debate, The Queſtion was put

That The Report of The Said Comittee be Agreed to

It paſt in The Negative and Thereupon

Reſolved That a Bill be prepared upon The Subject Matter of Thoſe Grievances Relating to attorneys fees

Ordered That it be Referred to Mr *Chriſtopher Robinſon*, Mr *Maſon* and Mr *Bough* to prepare and bring in The Said Bill.

Upon a Motion Made

After a Debate, The Queſtion was put—

That Inſtructions be now given to The Said Comittee

It paſt in The Negative

And upon Conſideration of The Report of The Said Comittee Made upon The Grievance from *Princeſs Anne* County praying That County Court Clerks May not Remove Their office & Records but That They may be Settled in Some Convenient place in Each County

The houſe Agreed to the Report of the Said Comittee *Viz*t

Reſolved That The Choice Thereof belongs to The Members of Each County Court and Therefore That The ſame be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of the Grievance from *Princeſs Anne* County praying That the Toll of Millers may be Regulated and Abated

The houſe Agreed to The Report of the Said Comittee *Viz*t

Reſolved That The ſame be Rejected

And upon Conſideration of The Report of The Said Comittee made upon That part of The Grievance from *princeſs Anne* County praying That The Reward for Killing of Wolves may be Leſſened

The houſe Agreed to The Report of The Said Comittee *Viz*t

Reſolved That The ſame be Rejected

And upon Conſideration of The Report of the ſaid Comittee Made upon The Grievances from The Countys of *Princeſs Anne* and *Lancaſter* for Setling a Certain price upon The Comoditys of This Country

The houſe Agreed to The Report of The Said Comittee *Viz*t

Reſolved That The ſame be Rejected

And upon Conſideration of The Report of the Said Comittee made upon That part of The Grievance from *Princeſs Anne* County Relating to The Chooſing of Veſtrys and other Parochial Affairs

The

The houſe agreed to The Report of The Said Comittee *Viz*ᵗ

Reſolved That The ſame be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *Lancaſter* County againſt free men and Labourers Keeping horſes and Breeding Mares, They having no Land to Keep Them on

The houſe agreed to The Report of The Said Comittee *Viz*ᵗ

Reſolved That a Bill for That purpoſe be prepared

Ordered That it be Referred to The Comittee of propoſitions and Grievances to prepare And Bring in The Said Bill

And upon Conſideration of The Report of the Said Comittee made upon That part of The Grievance from *Lancaſter* County againſt white womens Working in The Ground

The houſe Agreed to the Report of the Said Comittee *viz*ᵗ

Reſolved That a Bill be prepared to Reſtrain The ſame

Ordered That it be Referred to The Comittee of Propoſitions & Grievances to prepare and Bring in The Said Bill

And upon Conſideration of The Report of the Said Comittee Made upon That part of The Grievance from *Lancaſter* County praying That farther Care be Taken for preventing The falſe packing Tobacco

The houſe Agreed to The Report of The Said Comittee *Viz*ᵗ

Reſolved That The ſame be Rejected, The Law now in force Sufficiently providing Therein—

And upon Conſideration of The Report of The Said Comittee Made upon that part of The Grieveance from *Lancaſter* County for Aſcertaining Secretarys, Sheriffs and County Court Clerks fees &c

The houſe Agreed to The Report of The Said Comittee *Viz*ᵗ.

Reſolved That a Bill be prepared Accordingly

Ordered That That Comittee do prepare and bring in the Said Bill to whom it is Referred to prepare and bring in a Bill Relating to Attorneys ffees

Ordered That Mʳ *Randolph* and Mʳ *Holloway* be added to the ſaid Comittee

And upon Conſideration of The Report of The Said Comittee made upon That part of The Grievance from *Lancaſter* County praying That all Lawiers pleading in any Court in This Colony be obliged to Take an Oath for Their faithfullneſs and Honeſty in Diſcharging Themſelves in Their Buiſneſs or Imployment

The houſe Agreed to The Report of The Said Comittee *Viz*ᵗ

Reſolved That proviſion be made Therein

Ordered That it be an Inſtruction to The Comittee to whoom it is Referred to prepare and Bring in a Bill Relating to Attornys fees to provide by a Clauſe Therein That all Attornys practiſing in This Colony be obliged to Take an Oath for Their faithfullneſs and honeſty in Diſcharging Their Duty in Such practice.

And upon Conſideration of The Report of the Said Comittee Made upon That part of the Grievances from The Countys of *Lancaſter* and *King & Queen* Relating to Trying Titles of Land by Jurys

The houſe Agreed to the Report of the Said Comittee *Viz*ᵗ

Reſolved That the ſame be Rejected

And upon Conſideration of The Report of The ſaid Comittee made upon That part of The Grievances from The Countys of *Lancaſter* and *Northumberland* againſt the Striking of fiſh

The houſe Agreed to The Report of the Said Comittee *Viz*ᵗ

Reſolved That The ſame be Rejected

And upon Conſideration of The Report of The Said Comittee made upon ye Grievance of *Elizabeth City* County for Building a Fortification at *Point Comfort*—

The houſe Agreed to The Report of The Said Comittee *Viz*ᵗ

Reſolved That The ſame be Rejected

And

And upon Conſideration of The Report of the Said Comittee Made upon The Grievance from *Iſle Wight* County Relating to Surveyors Reſiding in The County

The houſe Agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The ſame be Rejected not being Certifyed according to Law—

And upon Conſideration of the Report of The Said Comittee made upon that part of the Grievance from *Iſle wight* County Relating to Idle perſons

The houſe Agreed to The Report of the Said Comittee *viz*^{t}

Reſolved That The ſame be Rejected

And upon Conſideration of the Report of the Said Comittee Made upon That part of The Grievance from *New Kent* County againſt Negro Overſeers and Negro Millers

Ordered That The Said Report be Taken into Conſideration with that part of The Governors Speech Relating to Negros.

And upon Conſideration of The Report of the Said Comittee made upon That part of the Grievance from *New Kent* County for Repealing the Law Making Negro's Real Eſtates

The houſe Agreed to The Report of The Said Comittee *Viz*^{t}

Reſolved That The ſame be Rejected

And upon Conſideration of the Report of the Said Comittee made Upon That part of The Grievance from *Nanſemond* County againſt The Exportation of Deer Skins and Sheeps Wool—

The houſe Agreed to The Report of The Said Comittee *viz*^{t}

Reſolved That the ſame be Rejected

And upon Conſideration of The Report of the Said Comittee Made upon That part of the Grievance from *Nanſemond* County Relating to Stray Cattle

The houſe Agreed To The Report of The Said Comittee *viz*^{t}

Reſolved That the ſame be Rejected

And upon Conſideration of the Report of the Said Comittee Made upon The propoſitions of *George Braxton* and others for an Encouragement to be given for building fulling Mills

The houſe Agreed to The Report of The Said Comittee *viz*^{t}

Reſolved That The Same be Rejected

And upon Conſideration of The Report of the Said Comittee Made upon that part of the Grievance from *King & Queen* County praying That Salt Works in this Country may be prohibited, without They make Greater Quantitys and Stronger Salt

The houſe Agreed to The Report of The Said Comittee *viz*^{t}

Reſolved That The ſame be Rejected

And upon Conſideration of The Report of the Said Comittee Made upon That part of The Grievance from *King & Queen* County Relating to pariſhes having Liberty to Chooſe Veſtrys &c

The houſe Agreed to The Report of The Said Comittee *viz*^{t}

Reſolved That the ſame has been already Anſwered upon a Grievance from *Princeſs Anne* County, And that Therefore it be Rejected

And upon Conſideration of the Report of The Said Comittee Made upon the Grievance of *John Bremer* praying That The Quit Rents may be paid as formerly That *Spaniſh* Mony May paſs Without Weighing, And That That Clauſe of The Law now in force giving to The Owner of Six Negros Liberty to purſue Game on other mens Land may be Repealed

The houſe Agreed to part of The Report of The Said Comittee And Thereupon

Reſolved That That part of The Said Grievance Relating to the payment of Quit Rents and *Spaniſh* Mony be Rejected

And after a Debate The Queſtion was put

That The other part of The Report of The Said Comittee be alſo agreed to

It paſt in The Negative, and Thereupon—

Reſolved That a Bill be prepared to Repeal That part of the Act, Entituled *An Act Concerning The Granting Seating and planting and for Setling The Titles and bounds of Lands*

Lands and for preventing unlawfull Shooting and Ranging Thereupon, which gives The ownèrs of Six Slaves Liberty to purſue game on other peoples Lands, that was ſhot on his own, or any other perſons Land Where he had Liberty to hunt

Ordered That it be Referred to the Comittee of propoſitions & Grievances to prepare and bring in the Said Bill

And upon Conſideration of The Report of The Said Comittee made upon That part of The Grievance from *King* & *Queen* County praying That They may have Liberty to Build a Bridge over The *Dragon* Swamp

The houſe Agreed to The Report of the Said Comittee *viz*ᵗ

Reſolved That The ſame be Rejected The Law providing That County Courts ſhall order Bridges to be made Between County and County where There is occaſion of Them—

And upon Conſideration of the Report of The Said Comittee Made upon That part of the Grievance from *King* and *Queen* County praying That Viewers may be Appointed upon Tryalls about The Bounds of Land

The houſe Agreed to The Report of the Said Comittee *viz*ᵗ

Reſolved That The ſame be Rejected

And Upon Conſideration of the Report of the ſaid Comittee Made upon That part of the Grievance from *King* & *Queen* County praying that Witneſſes May be Compelled to Come from forreign Countys to Tryalls about The Bounds of Land

The houſe Agreed to The Report of The ſaid Comittee *viz*ᵗ

Reſolved That The ſame be Rejected The Law now in force Sufficiently providing Therein—

And upon Conſideration of The Report of The ſaid Comittee Made upon That part of the Grievance from *King* & *Queen* County Relating to The Dignity of Bills of Exchange

The houſe Agreed to The Report of The Said Comittee *viz*ᵗ

Reſolved That the ſame be Rejected

And upon Conſideration of The Report of The ſaid Comittee made upon that part of the Grievance from *King* and *Queen* County Relating to County Courts and Rolling houſes &c

The houſe Agreed to The Report of The Said Comittee *viz*ᵗ

Reſolved That a Bill be prepared for Eſtabliſhing County Courts & Setling The proceedings Therein—

Ordered That it be Referred to The Comittee of propoſitions & Grievances to prepare and Bring in The Said Bill

Ordered That it be an Inſtruction to The Said Comittee to make proviſion in The Said Bill for Rowling houſes and publick Landings

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from The Countys of *King* and *Queen* and *Lancaſter* Relating to Ferrys Roads &c.

The houſe Agreed to The Report of The Said Comittee *Viz*ᵗ

Reſolved That The ſame [be] Rejected The Law in force Sufficiently providing Therein

And upon Conſideration of The Report of The Said Comittee made upon That part of The Grievance from *New Kent* County for Repealing The Law for Killing Deer at unſeaſonable Times

After a Debate, The Queſtion was put

That The Report of the Said Comittee be Agreed to

Reſolved in The Affirmative, and Thereupon—

Reſolved That a Bill be prepared to Repeal The act to prevent Killing Deer at unſeaſonable Times

Ordered That it be Referred to The Comittee of Propoſitions & Grievances to prepare and bring in the Said Bill

And upon Conſideration of The Report of The Said Comittee Made upon The propoſitions from The Countys of *King* and *Queen Lancaſter* and *Northumberland* Relating to The Woolen Cotten flax and hemp Manufactorys

The

The houſe Agreed to part of The Report of The ſaid Comittee And Thereupon
Reſolved That The ſame is a good propoſition
And after a Debate, The Queſtion was put
That The other part of The Report of The Said Comittee be alſo Agreed to
Reſolved in The Affirmative and Thereupon
Reſolved That The ſaid propoſition be not Taken into Conſideration at This Time

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *King & Queen* County Againſt White Womens Working in the ground.

The Houſe Agreed to The Report of The Said Comittee *Viz*^{t}
Reſolved That The ſame is already anſwered

And upon Conſideration of ye Report of ye Said Com^{tee} made upon That part of ye Grievance from *King & Queen* County Relating to Shooting & purſuing game upon other men's Land

The Houſe Agreed to The Report of The Said Committee *Viz*^{t}
Reſolved That the Same be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of The Grievance from *King & Queen* County Relating to Returning Appeals to The General Court—

The houſe Agreed to the Report of The Said Comittee *Viz*^{t}
Reſolved That The Same be Rejected The Law allready made Making Sufficient proviſion Therein

And upon Conſideration of The Report of The Said Comittee Made upon The Grievances from The Countys of *New Kent* and *King* and *Queen* againſt Maſters of Ships Cropping of Tobaceo, and Relating to The freighting of Tobaceo

The houſe Agreed to the Report of The Said Comittee *Viz*^{t}
Reſolved That a Bill be prepared upon The Subject Matter of Thoſe Grievances Relating to Maſters of Ships Croping of Hogſheads and The freighting Tobaceo
Ordered That it be Referred to The Comittee of propoſitions & Grievances to prepare and Bring in The Said Bill.

And Then The houſe Adjourned till to Morrow Morning Ten a Clock—

Wedneſday November The firſt 1710

THE petition of *William Kaidgee* praying An Allowanee for Glazing Work Done to The Capitol being Referred by The Council to The Conſideration of The houſe was Read

Ordered That The ſaid petition be Referred to The Conſideration of the Comittee for publick Claims to Report Their opinions Therein

The petition of *John Clayton*, *John Holloway* and *Richard Wharton* Gen^{t} praying an Allowance for Their Services in proſecuting Several Negros being Referred by The Council to The Conſideration of The houſe was Read

Ordered That The Said petition be Rejected The ſaid Services not Being a Country Charge

The Claim of *Martin Goodwin* and *John Moſs* for Looking out at The Mouth of *York* River was preſented to The houſe and Referred to The Conſideration of The Comittee for publick Claims to Examine the Subject Matter Thereof and Report The ſame with Their opinions Therein to The houſe.

The houſe being Informed That The Meſſinger had, purſuant to Mr *Speakers* Warrant Taken into his Cuſtody Mr *Thomas Pinkard* Sherriff of *Lancaſter* County to Amend his Return on The Writt for Election of Burgeſſes for The Said County and That he Attended at The Door

Ordered That The ſaid ſheriff be brought into The houſe and That he be Directed to Amend his ſaid Return, who Being brought in and having Accordingly amended his Said Return withdrew, and Thereupon—

Ordered

Ordered That he be Diſcharged out of Cuſtody paying fees

Then The houſe being Informed That The Meſſinger had purſuant to Mr *Speakers* Warrant Taken into his Cuſtody Mr *Maurice Jones* Sheriff of *Weſtmorland* County to amend his Return on The Writt for Election of Burgeſſes for The Said County And That he Attended at The Door

Ordered That The ſaid Sheriff be brought into The houſe and That he be Directed to Amend his Said Return Who being brought in and having accordingly amended his Said Return—Withdrew. and Thereupon

Ordered That he be Diſcharged out of Cuſtody paying fees

The houſe According to order was Called over, and Thereupon—

Ordered That The Meſſinger do Take into his Cuſtody Mr *Nottingham* and Mr *Floyd* and That They be not admitted to Take Their places in the houſe, Till They have made Their Excuſe for abſenting Themſelves from The Service of it—

The houſe (According to order) proceeded to Take into Conſideration The Governors Speech—and Thereupon Came to The following Reſolutions

Reſolved That The Late Mr Treaſurer *Harriſons* Accounts be Laid Before The Houſe and That Till Then This houſe will not proceed to The Conſideration of That part of The Governors Speech Relating to The Appropriating a farther Sume of Mony for perfecting The Governors Houſe

Ordered That The Adminiſtratrix of The Said Treaſurer do Lay The ſaid accounts before The houſe on *Fryday* Morning next, and That Mr *Burwell* Acquaint her Therewith.

Ordered That That part of The Governors Speech Relating to The Militia of This Country be Conſidered at ſome other Time, when This houſe ſhall Think fitt.

Mr *Maſon*.....Mr *Hardyman*
Mr *Stannup*.....Mr *Cole*, and
Mr *Soane*.....Mr *Cuſtis*

Were Appointed a Comittee to Examine into, and Conſider The Laws of This Country Made for preventing The Inſurrection of Negros, And

Ordered That The ſaid Comittee Report to The houſe, what They Think may be farther Neceſſary for prevention of Such Inſurrections.

Ordered That The Report of The Comittee of Propoſitions & Grievances Made upon That part of The Grievance from *New Kent* County againſt Negro Overſeers, and Negro Millers, Refered to be Conſidered with That part of The Governors Speech Relating to The Inſurrection of Negros, be farther Referred Till the Said Comittee Make Report.

Then The houſe proceeded to The farther Conſideration of The ſaid Speech and Thereupon—

Reſolved That application by Way of Addreſs be made to The Governor Deſiring him to Communicate to This houſe his Inſtructions from her Majeſty for Appointing two Courts of Oyer and Terminer to be held Yearly.

Ordered That it be Referred to Mr *Allerton* and Mr *Ball* to prepare and bring in the Said Addreſs

Reſolved That an Addreſs be preſented to The Governor to Return The Thanks of This houſe for The Information he has been pleaſed to give Them in his Speech of her Majeſtys Bountys to The College

Reſolved That an Addreſs to her Majeſty be prepared to Return the humble Thanks of This houſe for her Majeſtys favours to this Country.

Ordered That it be an Inſtruction to The perſons appointed to Draw The Addreſs to The Governor, That They Acquaint him That This houſe is at Leiſure to Receive Thoſe Acts mentioned in his Speech.

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke.

Thurſday

Thurſday November The Second 1710

SEVERAL Claims from *James City* County were preſented to The houſe and Referred to The Conſideration of The Comittee for publick Claims to Examine The Subject Matter Thereof and Report The ſame with their opinions Therein to The Houſe

The petition of Mr *Thomas Jones* Attorny of *John Redwood* praying That what is Due unto The Said *Redwood* as Keeper of The publick Goal may be paid unto him The ſaid *Jones* he having a power to Receive The Same, being Referred by The Council to The Conſideration of The houſe was Read

The petition of *Dioniſia Hadley* praying That ſhe may be Allowed fifty pounds out of The Sallary Due unto *John Redwood* Late Keeper of The publick Goal was Read

The petition of *Katherine Howard* praying That ſhe may be allowed four pounds one ſhilling for Dieting Sundry Indians

The petition of *David Minetrie* praying That he may be allowed for Sundry Services about The Capitol and publick priſon and

The petition of *David Minetrie* praying That as he Married The Admrix of *John Juce* Decd There may be paid unto him what was Due to The Said *Juce* for Sallary and fees for Keeping The publick Goal.

Being Referred by The Council to The Conſideration of The houſe were Severally Read

Ordered That The Said Petitions be Referred to The Conſideration of The Comittee for Publick Claims to Report Their Opinions Therein to The houſe.

The Petition of *Henry Cary* praying That This houſe Will Receive his Accounts for Allterations Done about the Capitol purſuant to an Order of The Laſt Aſſembly

The petition of *Henry Cary* Setting forth That There is mony Due to Mr *Perry* and Company for the furniture of The Capitol and praying That The Said *Perrys* Account may be Received, and

The petition of *Henry Cary* praying That This houſe will Receive his Accounts of Diſburſements for Work Done upon The Governors houſe

Being Referred by The Council to The Conſideration of this houſe were Severally Read

Ordered That the Said *Cary* have Leave to Lay before The houſe The Several Accounts Mentioned in his ſaid Petitions and That he do The ſame on *Wedneſday* next at fartheſt.

The petition of *Miles Cary* praying to be Allowed for Work done on The Capitol and

The Petition of *John Broadnax* praying to be Allowed his Sallary and fees Due to him as Keeper of The publick Goal Were Severally Read

Ordered That The Said petitions be Referred to The Conſideration of The Comittee for publick Claims to Report Their opinions Therein to The houſe.

Several propoſitions an[d] Grievances from *York* County were Referred by The Council to The Conſideration of This houſe, but They not being Certifyed in The Manner as The Law Directs are Therefore Rejected.

The houſe being Informed That the Meſſinger had purſuant to The order of The houſe Taken into his Cuſtody Mr *Nottingham* and Mr *Floyd* Members of This houſe for Their failure in not Attending according to Their Duty The Service of The houſe and That They Attended at The Door.

Ordered That The Said Mr *Nottingham* and Mr *Floyd* be brought into The houſe and That They be Directed to Make Their Excuſe for Their Abſence, who being Accordingly brought in and having Made Their Excuſe Withdrew, and Thereupon

Ordered That They be Diſcharged out of Cuſtody without paying fees And That They be Admitted to Take Their places in The houſe

The

The houſe being Informed That The Meſſinger had purſuant to Mr *Speakers* Warrant Taken into his Cuſtody *Robert Coleman* Sheriff of *Eſſex* County to Amend his Return on The Writt for Election of Burgeſſes for The ſaid County and That he Attended at The Door—

Ordered That The ſaid ſheriff be brought into The houſe and That he be Directed to Amend his Said Return who being brought in and having Accordingly Amended his Said Return withdrew and Thereupon—

Ordered That he be Diſcharged out of Cuſtody paying fees

The petition of *Lawrence Smith* praying to be Allowed for his Attendance on The General Court as Sheriff and—

The petition of *William Timſon* praying That his Sallary for Attending on The General Court as Sheriff may be advanced

Being Severally Read

Ordered That the Said petitions be Referred to The Conſideration of The Comittee for publick Claims to Report Their opinions Therein to The houſe.

Then The Houſe Adjourned Till to Morrow Morning Ten a Clocke

Fryday November 3d 1710

THE Claims from *Northampton* County being brought into The houſe yeſterday are Referred to The Conſideracon of The Comittee for Publick Claims to Examine The Subject Matter Thereof and Report The ſame with Their opinions Therein to The houſe.

A Comittee for Receiving Inſpecting & Examining The Late Mr *Treaſurers* Accounts

Mr *Buckner* ..... Mr *Conaway*
Mr *John Robinſon* ..... Mr *William Harwood*
Mr *Robert Bolling* ..... Mr *Ballard*

Ordered That The ſaid Comittee Report Their proceedings Therein to The houſe

Ordered That The Admrs of The Late Mr *Treaſurer* do Lay The ſaid Accounts before The Said Comittee at ſuch Time as by Them ſhall be Thought proper

Mr *Randolph* from The Comittee of Propoſitions & Grievances Reported That The ſaid Comittee had Taken into Conſideration ſeveral of The Matters to Them Referred and Therein had Come to Several Reſolutions which he Read in his place and Then Delivered Them in at The Table Where being again Read The houſe proceeded to The Imediate Conſideration of The Said Report—

And upon Conſideration of The Report of The Said Comittee made upon That part of The Grievance from The Countys of *Princeſs Anne* and *King* and *Queen* for Aſcertaining The Currency of forreign Coins in This Colony.

The houſe agreed to part of The Report of The ſaid Comittee and to part Diſagreed-- and Thereupon—

Reſolved That The Currency of Forreign Coins in This Colony be Aſcertained and That a Bill be prepared Accordingly

Ordered That it be Referred to The Comittee of propoſitions & Grievances to prepare and Bring in The Said Bill.

And upon Conſideration of the Report of the Said Comittee Made upon That part of the Greivance from *Lancaſter* County That The County of *Northumberland* does very much Encroach upon Them and praying That The Bounds between The ſaid Countys May be Laid out.

The houſe Agreed to The Report of The Said Comittee *Viz*t

Reſolved That The ſame be Laid out According to The former order of Aſſembly in That Caſe made

And

And upon Conſideration of The Report of The Said Comittee made upon That part of the propoſition from *King William* County propoſing That The Tributary Indians may have The ſame Reward for Killing of Wolves as The *Engliſh* have

The houſe Agreed to The Report of The Said Comittee *Viz*ᵗ

Reſolved That The ſame be Rejected

And upon Conſideration of The Report of The Said Comittee Made upon That part of The propoſition from *King William* County propoſing That all horſes and Mares May be Kept up from The firſt of *June* to The Laſt of *October* in Every year

The houſe Agreed to The Report of The Said Comittee *Viz*ᵗ

Reſolved That The ſame be provided for in The Bill, to be prepared againſt freemens Keeping horſes and Mares who have no Land to Keep Them on—

Ordered That it be An Inſtruction to The Comittee of propoſitions and Grievances to make Such proviſion in The Said Bill

Mᵗ *Allerton* Reported That The perſons Appointed had (According to order) prepared An Addreſs to The Governor Which he Read in his place and Then Delivered it in at The Table, where The ſame being again Read

Ordered That The Said Addreſs do Lie upon The Table.

Mᵗ *William Robinſon* from The Comittee of Elections and priviledges Reported That The Said Comittee had Taken into Conſideration The petition of *Zachary Lewis* Complaining of an Undue Election for The County of *King* and *Queen* & That with The ſame They had Conſidered The Grievance from The Said County alſo Complaining of That Matter, and That Thereupon The Said Comittee had Come to Some Reſolutions which he Read in his place and Then Delivered Them in at The Table, where They were again Read.

And Then a Motion was Made—

That The Subject matter upon which The Said Report is grounded be Reheard in Debate of which Some Time being Spent—

An other Motion was Made and Agreed to *Viz*ᵗ

That The Burgeſſes for *King* and *Queen* County Withdraw And They Being Thereupon withdrawn, and The Queſtion put For a Rehearing it was Reſolved in The Affirmative; and That The Rehearing be Imediately before The houſe—

Upon a Motion Made

Ordered That The Burgeſſes for *King* and *Queen* County and *Zachary Lewis* and The Witneſſes for both partys be heard at The Barr of The houſe—

Upon a Motion Made

Ordered That The Sheriff of *King* and *Queen* County have Liberty to be at The Barr of The houſe During The Rehearing.

Then The ſaid partys with Their Council and The Said Sheriff Came to The Barr And The petition of *Zachary Lewis* with The Grievance from *King* and *Queen* Couty were Read after which ſome Time Being Spent in Examining The Witneſſes, all perſons at The Barr were ordered to Withdraw And being Withdrawn, On a Motion Made

Ordered That No Member of This houſe preſume This Day to Depart The houſe without The Leave Thereof—

Then The ſaid parties with Their Council, and Witneſſes were again Called to The Barr and ſome Time was Spent in Examining The Witneſſes and in hearing The partys and Their Council after which They were Ordered to Withdraw—And being Withdrawn—The houſe proceeded to The Conſideration of The Report of The ſaid Comittee and after Some Time being Spent in Debate

The Queſtion was put—

That The Report of The Said Comittee be Agreed to

Reſolved in The Affirmative, and Thereupon

Reſolved That Mᵗ *William Byrd* and Mᵗ *John Holloway* are not Duly Elected Burgeſſes to Serve in This preſent General Aſſembly for The County of *King* and *Queen*—

Ordered

Ordered That Mr *William Robinſon*, Mr *Barber*, Mr *Preſley*, Mr *Neale* Mr *John Robinſon* and Mr *Dudley* do Wait upon The Governor and Deſire him to Iſſue out a new Writt for The Election of Burgeſſes to Serve in this Aſſembly for *King* and *Queen* County in The Room of Mr *William Byrd* and Mr *John Holloway* who are unduly Elected Burgeſſes for The Said County

Then The houſe Adjourned Till to Morrow Morning Ten a Clocke

Satturday November The 4th 1710

A MEMBER of The houſe Moving for Leave to bring in The petition of Mr *Francis Merriwether* Leave is Accordingly given him and The ſame Was Read Complaining of An Undue Election for *Eſſex* County

Ordered That The ſaid petition be Referred to The Comittee of Elections and priviledges and That They Do Examine The Matter Thereof and Report The ſame with Their Opinions Therein to The houſe—

Ordered That Mr *Maſon* be added to The Comittee of Elections and Priviledges

Ordered That The Comittee Appointed for Receiving The Late Mr *Treaſurers* Accounts Do alſo Receive Inſpect and Examine The Accounts of Colonel *Peter Beverley* The former Treaſurer, and That They Report Their proceedings Therein to The houſe

Mr *Soane* Moving for Leave to be abſent from The Service of The houſe Till *Tuesday* next—Leave is Accordingly given him—

Then The houſe Adjourned Till *Munday* Morning Ten a Clocke

Munday November The 6th 1710

HENRY *CARY* According to The Leave Given him has Laid before The houſe his Accounts of Diſburſements upon The publick Buildings Togather with an account from *Micajah Perry* for The furniture of The Capitol

Ordered That The Said Accounts with The petitions of The Said *Henry Cary* to Them Relating be Referred to The Conſideration of The Comittee for publick Claims to Report Their opinions Therein to The houſe

Upon a Motion Made

Ordered That Mr *Buckner* be added as Chairman to The Comittee for publick Claims

Then The houſe Adjourned Till to Morrow Morning Ten a Clock

Tueſday November The 7th 1710

THE petition of *C. C. Thacker* being Referred by The Council to The Conſideration of This houſe was Read praying That he may be allowed for publick Services as Clerk to The Genll Court

Ordered That The Conſideration of The ſaid petition be Referred to The Comittee for publick Claims to Report Their opinions Therein

The petition of *Thomas Cowles* Meſſinger to This houſe was Read praying That he may be Excuſed from his Attendance on The Service of The houſe to Morrow, it being ye Day appointed for performing The Ceremony of his Mothers funeral—

Ordered That he have Liberty to be abſent According to The prayer of his petition

Mr *Randolph* Reported That The Comittee of propoſitions And Grievances had (According to Order) prepared Several Bills which he preſented to The houſe and The ſame being Received

A Bill for Setling and Afcertaining The Current Rates of Forreign Coins in This Dominion was Read The firft Time and ordered to be Read a Second Time

A Bill prohibiting White Women Working in The Ground was Read The firft Time and ordered to be Read a fecond Time

A Bill Repealing An Act Made at her Majefty Queen *Annes* Royal Capitol The Twenty Third Day of *October* in The fourth Year of her Majeftys Reign Entituled *An Act to Prevent Killing of Deer at unfeafonable Times*

And after a Debate The Queftion was put

That The faid Bill be Read a Second Time

Refolved in The Affirmative, And Thereupon

Ordered That The faid Bill be Read a Second Time

A Bill for Repealing part of An Act Entituled *an Act Concerning The Granting Seating and planting and for Setling The Titles and Bounds of Lands And for preventing Unlawfull fhooting and Ranging Thereupon* was Read The firft Time and ordered to be Read a Second Time

A Member of The houfe Moving for Leave to bring in The petition of *John Hartwell*, Leave is accordingly given him—And The faid petition Being Read praying That The Roads Through his Land in *Surry* County May be Alterered and That The fferry Boat from *James Town* May not Land Their paffingers on The fame

Ordered That The faid Petition be Rejected Relief being Therein to be had at The County Court—

M[r] *Drummond* A Member of this houfe moving for Leave to bring in his petition, Leave is Accordingly given him And The faid Petition being Read praying That he May have Liberty to Bring in a Bill to Enable The parifhoners of *Accomack* Parifh to Chooſe a Veſtry

After a Debate, The Queftion was put

That he have Liberty to bring in Such Bill

Refolved in The Affirmative, and Thereupon

Ordered That he have Leave to Bring in a Bill According to The prayer of his Said petition—

M[r] *Mafon* from The Comittee Appointed to Examine into and Confider The Law of This Country Made for preventing The Inſurrection of Negro's and to Confider what Might be farther Neceffary for prevention of the fame Reported That The faid Comittee had Come to Some Refolutions Thereon, which he Read in his place and Then Delivered Them in at The Table where being Again Read The houfe proceeded to The Imediate Confideration of The faid Report and The fame being Agreed to

Refolved That for The better prevention of Such Inſurrections if any Negro or Negro's Shall hereafter Conſpire about Taking up Arms againſt The Government, or fhall Conſult upon any other Matter or Thing, which if Comitted will make Them Guilty of Fellony, That Then in ſuch Caſes The Offender or offenders being Lawfully Convicted Thereof fhall be Condemned as ffellons and Suffer Death Accordingly,

Refolved That a Bill be prepared upon The Said Refolve

Ordered That it be Referred to The faid Comittee to prepare and Bring in The Said Bill and That it be an Inſtruction to Them to provide Therein Againſt Negros being Imployed as Millers and Overſeers

Ordered That M[r] *Robert Bolling* and M[r] *Bouſh* be added to The faid Comittee

The houfe being Informed with The Inabillity of The Clerke to The Comittee of propoſitions and Grievances

Ordered That he be Diſcharged from The faid office on Condicon That M[r] *Robert Beverley* (who is a more Capable perſon) will Accept The fame

Ordered That M[r] *William Robinſon* and M[r] *John Bolling* do acquaint The faid *Beverley* With the faid order and They Being Returned M[r] *Robinſon* Reported They had Informed him Therewith to which he Anſwered; That he was allways Ready to Serve

The

The Country and This houſe and That Therefore he would attend The ſaid Service, not Doubting but That This houſe will give him a Sufficient Compenſation for his Trouble Therein, and Thereupon

Ordered That Mr *Michael Archer* Clerk to The Comittee of propoſitions and Grievances be Diſcharged from That Office and That Mr *Robert Beverley* Attend as Their Clerk in his Room

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke

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Wedneſday November The 8th 1710

A BILL for Settling and aſcertaining The Current Rates of Forreign Coins in This Dominion was Read The Second Time

And after a Debate The Queſtion was put—

That The Bill be Comitted for Amendments

Reſolved in The Affirmative And Thereupon.

Ordered That it be Comitted to a Comittee of The whole houſe

Reſolved That The houſe Will to Morrow Reſolve it Self into a Comittee of The Whole houſe upon The ſaid Bill

A Bill prohibiting White Women Working in The Ground was Read The Second Time and Comitted to a Comittee of The whole houſe

Reſolved That The houſe Will on *Fryday* Next Reſolve it Self into a Comittee of The whole houſe upon The Said Bill

A Written Meſſage from The Council by Mr *Robertſon*

Mr Speaker *and Gentlemen of The houſe of Burgeſſes*—

It having been found Neceſſary in The Year 1708 to ſend Certain Meſſengers to The *Tuſcaruro* Indians to Demand Some of Their Nation who were Suſpected to have been Concerned in The Murder of *Jeremiah Pate* of *New Kent* County Colonel *Harriſon* did by order of The Council pay The Said Meſſingers for Their Trouble and alſo by The Like Order Diſtributed Rewards to Some of The *Tuſcaruro* Indians who brought in one of The Said Murderers, and paid The Guards That Conveyed Them to The publick Goal at *Williamſburgh* which ſaid Charges having been Expended for The Imediate Service of The Country and for preventing a far greater Charge which would have Accrued by The Calling of An Aſſembly at an unſeaſonable Time, or proceeding againſt The Said *Tuſcaruro's* by Way of Force; We Can do no Leſs Than Recommend his Claim to The Conſideration of Your houſe That he may be Reimburſed What he has Laid out—

Then Mr *Robertſon* Acquaints The houſe, That The Council have paſſed a Bill Entituled *An Act to prevent The Deſtroying and Murthering of Baſtard Children*, to Which They Deſire The Concurrence of This houſe.

Ordered That The Said Bill do lie upon The Table—

Ordered That The Conſideration of The ſaid Meſſage be Referred till ſuch Time [as] The houſe ſhall Think fit to proceed Thereon—

A Bill for Repealing part of An Act Entituled *an act Concerning The Granting Seating and planting and for Setling The Titles and Bounds of Lands and for preventing unlawfull ſhooting and Ranging Thereupon* was Read The Second Time

Ordered That The ſaid bill be Engroſſed

A Bill Repealing An act Made at her Majeſty Queen *Annes* Royal Capitol The Twenty Third Day of *October* in The fourth year of her Majtys Reign Entituled *an Act to prevent Killing of Deer at unſeaſonable Times* was Read The Second Time and after a Debate The Queſtion was put,

That The Bill be Engroſſed

Reſolved in The Affirmative, And Thereupon

Ordered That The ſaid bill be Engroſſed

The

The petition of Mr *Chichley Corbin Thacker* being Referred by the Council to The Conſideration of This houſe was Read praying That Mr *Secretary* May be Allowed for Thirty Writts for Election of Burgeſſes

Ordered That The Conſideration of The Said Petition be Referred to The Comittee for publiek Claims to Report Their opinions Therein—

Mr *Randolph* from The Comittee of propoſitions & Grievances Reported That The Said Comittee had Taken into Conſideration ſeveral of The Matters to Them Referred and Therein had Come to Several Reſolutions whieh he Read in his place and Then Delivered in at The Table where being again Read the houſe Took The ſame into Imediate Conſideration, and The ſaid Report being Agreed to

Reſolved That a Bill be prepared upon The Subject Matter of The Grievances from The uper part of The pariſh of St *Stephens* in *King* & *Queen* County Relating to The Chappell in The Said pariſh, and The Miniſters preaching Therein—

Reſolved That The propoſition from *Norfolk* County Deſiring an Impoſition to be Laid on all piteh an[d] Tarr Imported for ſale be Rejected

Reſolved That application be made to The Governor by Way of Meſſage Deſiring him to paſs The Grants of Land as uſual, and That The Meſſage be in Writing

Ordered That it be Referred to The Comittee of propoſitions & Grievances to prepare and Bring in The Said Meſſage.

Ordered That it be Referred to The Said Comittee to prepare and bring in The Bill upon The Subject Matter of the Grievance from The uper part of The pariſh of St *Stephens* in *King* and *Queen* County.

Mr *Randolph* Reported That The Comittee of propoſitions and Grievances to Whom it was Referred to prepare & bring in A Bill for Reſtraint of The too Licentious Keeping and Breeding of horſes &c, had prepared The ſaid Bill Whieh he preſented to The houſe and The ſame being Reeeived was Read The firſt Time and ordered to be Read a Seeond Time

And Then The houſe Adjourned Till to Morrow Morning Ten a Cloeke.

Thurſday November The 9th 1710

UPON a Motion Made

The houſe proceeded to The Conſideration of The Addreſs to The Governor and The ſame being Read was agreed unto by The houſe and is as followeth—

To The Honble Alexander Spotſwood *Eſqr her Majeſtys Lievt Governor of This her Moſt Antient Colony and Dominion of* Virginia

The Humble Addreſs of The houſe of Burgeſſes

May it pleaſe your Honour—

Wee her Majeſtys Loyal and Dutifull Subjects The Burgeſſes having Entered into The Conſideration of your Honours Speech and finding by two paragraphs Thereof, Which Relates to the *habeas Corpus* Act, and The Courts of Oyer and Terminer, wee may have Oeeaſion, in order to a farther progreſs upon Thoſe paragraphs for a view of The Royal Inſtructions Therein Mentioned—

Therefore We humbly pray your Honour to Communieate The ſame to us, for The better Enabling us to proceed aecording to our Duty in That Affair. And That beeauſe by another paragraph of your Speeeh, your honour is pleaſed to give us to Underſtand That There are Some acts That need amendmts upon which it is our opinion That probably ſome of Thoſe amendments May have Reſpect to and be Aptly Conſidered With other Matters now before us

Therefore we humbly Take Leave to Repreſent The ſame to your honour And That it is our Opinion alſo, That The Speedy Laying before us Thoſe acts That are to be Amended may be a means to Shorten The buiſneſs of This aſſembly—

Ordered That the ſaid Addreſs be forthwith fairly Tranſeribed and Singned by Mr *Speaker* in order to be ſent to The Governor

Mr

Mr *Conaway* a member of This houſe moving for Leave to bring in The petition of himſelf and Mr *Ball* alſo a member of this houſe Leave is accordingly given him and The ſaid Petition being Read praying That They may have Liberty to bring in a Bill to aſcertain The Bounds between The Countys of *Northumberland* and *Lancaſter*

Ordered That They have Leave to Bring in a Bill according to The prayer of The ſaid petition—

A Member of The houſe Moving for Leave to Bring in The petition of *Elizabeth Redwood* and *Lyonel Loyd*, Leave is Accordingly given him And The ſaid petition was Read praying That what is Due unto *John Redwood* who formerly Kept The publick Goal may be allowed, and That The ſame may be paid unto The ſaid *Loyd*, it being Aſſigned him—

Ordered That The Conſideration of the Said Petition With the papers Thereto Relating be Referred to The Comittee for Publick Claims to Report Their opinions Therein—

Mr *Randolph* Reported That The Comittee of propoſitions & Grievances to whom it was Referred to prepare and Bring in a Bill for prevention of Abuſes in Tobacco ſhiped on frieght and for The more Certain freighting of Tobacco had prepared The ſaid Bill, which he preſented to The houſe and The ſame being Received, was Read The firſt Time and ordered to be Read a ſecond Time

Ordered That Mr *Allerton*, Mr *Ball*, Mr *Chriſtopher Robinſon* Mr *Hardyman*, Mr *Merriwether*, Mr *William Harwood* Mr *Cuſtis*, Mr *Simmons*, Mr *Curle*, Mr *Smith* Mr *Soane* and Mr *Ballard* do preſent The addreſs to The Governor

A Bill for Reſtraint of The too Licentious Keeping and Breeding of horſes &c. was Read The Second Time and Comitted to The Comittee That prepared The ſame.

An Engroſſed Bill from The Council Entituled *An Act to prevent The Deſtroying and Murthering of Baſtard Children* was Read The firſt time and ordered to be read a ſecond Time

An Engroſſed Bill Entituled *An Act Repealing An Act Made At her Majeſty Queen* Annes *Royal Capitol The Twenty Third Day of* October *in The fourth year of her Majeſtys Reign Entituled an Act to prevent Killing of Deer at unſeaſonable Times* Was Read The Third Time

And after a Debate, upon the Queſtion put

Reſolved That The Bill do paſs

An Engroſſed Bill Entituled *an Act for Repealing part of An Act Entituled An Act Concerning the Granting Seating and planting and for Setling The Titles & bounds of Lands and for preventing unlawfull ſhooting and Ranging Thereupon* was Read The Third Time—

Reſolved That The Bill do paſs

Ordered That Mr *Merriwether*, Mr *Wilſon*, Mr *Bouſh*, Mr *Waller*, Mr *Stannup* and Mr *Fox* do carry The ſaid Bills to The Council and Deſire Their Concurrence Thereto

A Member of The houſe Moving for Leave to bring in The petition of Mr *Robert Beverley*, Leave is accordingly given him and The ſaid petition was Read praying That he may be Aſured to have fifty pounds for his attendance as Clerk to The Comittee of propoſitions and Grievances During This Aſſembly or That he may have Leave to Retire

After a Debate, The Queſtion was put—

That he be Allowed According to The prayer of his petition

It paſt in The Negative. And Thereupon—

Ordered That he have Leave to Retire

The houſe (According to order) Reſolved it Self into a Comittee of The Whole houſe upon The Bill for Setling And Aſcertaining The Current Rates of Forreign Coins in This Dominion, And After ſome Time ſpent Therein Mr *Speaker* Returned The Chair and Mr *Randolph* Reported from The Said Comittee That They had Made ſome progreſs in The Bill and Directed him to Move That They May have Leave to ſit again

Reſolved

Reſolved That To Morrow The houſe will again Reſolve it Self into a Comittee of The whole houſe upon The ſaid Bill

A Written meſſage from The Honble The Liev^t^ Governor by Mr *Robertſon*
*M^r^* Speaker *and Gentlemen of The houſe of Burgeſſes*

In anſwer to Your Addreſs preſented to me This Day I ſend you a Copy of her Majeſtys Royal Inſtructions which Grant to her Subjects here The Benefit of The *habeas Corpus* And for Eſtabliſhing Courts of Oyer and Terminer for The More Speedy Tryall of Criminals

As to The other part of your Addreſs, I have Nothing at preſent to Communicate you which may be Aptly Conſidered with any other Matters That I Know to be now before you, Except what Relates to The Act for Eſtabliſhing The General Court &c. and That I may Give you to underſtand as fully as I do My Self The Objections Made againſt That Law I ſend you a Copy of what The Right Honble The Lords Comiſſioners for Trade have wrote Concerning it, which is in The Words following *Viz^t^*. "As "to The Act for Eſtabliſhing the General Court and for Regulating and Setling The "proceedings Therein Wee Can not as it is penned preſent it to her Majeſty for her "Royal Confirmation: for That in The Laſt Clauſe but one it Enacts, That There "ſhall be no Court of Record in *Virginia*, but The General Court and The County "Courts; which Derogates from her Majeſtys Royal prerogative by Reſtraining her "power of conſtituting other Courts of Record as may hereafter upon Emergent Occa- "ſions be found Convenient beſides That The ſaid act ought to have Mentioned her "Majeſtys undoubted Right of Receiving Appeals in ſueh Manner as is Directed by "her Majeſtys Inſtructions in that Behalf, and Therefore we Think it Reqviſite That "The Act may be Amended and paſſed with a proviſo to The Effect following *Viz^t^* "Provided always That nothing Contained in This Act ſhall be Conſtrued or Deemed "to Derogate from The Royal power and prerogative of her Majeſty her heirs & Suc- "ceſſors of Receiving Appeals; and of Granting Comiſſions of Oyer and Terminer "of Conſtituting & Erecting ſueh other Courts of Record as her Majeſty her heirs & "Succeſſ^rs^ by her Or Their Commiſſions or Inſtructions to her or Their Govern^r^ or "Comander in Chief of This Colony and Dominion for the Time being ſhall Direct

November 9th 1710 *A Spotſwood*

Ordered That The Meſſage do Lie upon The Table

Then The houſe Adjourned Till to Morrow Morning Ten a Clocke—

Fryday November The 10th 1710

THE houſe According [to] Order Reſolved it ſelf into a Comittee of The whole houſe Upon The Bill for Setling and Aſcertaining The Current Rates of forreign Coins in This Dominion and after ſome Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Randolph* Reported from The ſaid Comittee That They had Gone Through The Bill and Agreed upon Several amendments to be made in The ſaid Bill which he Read in his place and Then Delivered in at The Table where The ſame being again Read and agreed unto by the houſe were made in the Bill and Twice Read

Ordered That The ſaid bill with the Amendments, be Engroſſed

An Engroſſed bill from The Council Entituled *an Act to prevent the Deſtroying and Murthering of Baſtard Children* Was Read a Second Time and Thereupon Some Amendments being Agreed to

Ordered That the Bill with The Amendments be Read a Third Time

Ordered That Mr *Soane* go to Mr *Clayton* and ask him if he will accept The Clerks place to The Comittee of Propoſitions and Grievances, And upon what Terms, And Mr *Soane* Being Returned he Acquainted The houſe That he had Accordingly Treated with Mr *Clayton* who Anſwered That he was always Ready to Serve The Country and This

This houſe and That Therefore he Would Accept The Office aforeſaid Relying on This houſe for a Suit [able] Reward for his Trouble Therein

Ordered That The Committee of propoſitions and Grievances be Revived And That Mr *Clayton* Attend as Clerk to The ſame—

The houſe (According to Order) Reſolved it ſelf into a Comittee of The whole houſe upon the Bill prohibiting white women working in The Ground and after ſome Time Spent Therein Mr *Speaker* Returned the Chair and Mr *Randolph* Reported from The ſaid Comittee That They Had gone Through the bill and agreed upon Several amendments to be made in The ſaid Bill, which he Read in his place and Then Delivered in at the Table where The ſame being again Read and agreed unto by The houſe, were made in The Bill and Twice Read—

Ordered That the ſaid Bill with The amendments, be Engroſſed

A Written Meſſage from The Honble The Lievt Governor and Council by Mr *Robertſon*

Mr Speaker *and Gentlemen of The Houſe of Burgeſſes*—

Wee have Received a petition (which is herewith ſent You) from Diverſe of The Inhabitants of *Charles City* County Repreſenting The Many Inconveniencys They ſuffer by The Smallneſs of Their County and praying That That part of *James City* County which Lyes on The ſouth ſide of *Chichahominy* River may be Added to The County of *Charles City* Upon which we Think it Neceſſary to Acquaint you That we are verry Senſible of the preſſures under wch not only That County but other Small Countys between *York* and *James* Rivers at preſent Labour but That neither The Caſe of The petitioners or Thoſe other Countys Can be Remedied any otherways Than by a more Equal Diviſion of This Neck and ſince at this Time The Incomodiouſneſs of the Countys Seems to be The General Complaint of the Inhabitants, Wee Think This a proper Seaſon to Make The Diviſion ſo much Deſired and Therefore propoſe—

That According to The Deſire of The Inhabitants of *Charles City* That part of *James City* County which lyes on The ſouth ſide of *Chickahominy* River be added to The ſaid County of *Charles City*.

That That part of *James City* County which Lyes above *Diaſcun* be added to The County of *New Kent*—

That a Line be Runn from *Diaſcun* Creek to The head of That Creek whereon *Mohuns* Mill Stands and That *Diaſcun* Creek *Mohuns* Creek And The aforeſaid Line between Them from *Chickahominy* to *York* River Be The Bounds between *James City* and *New Kent*

That That part of *New Kent* County Lying Below *Mohuns* Creek and That That part of *York* County Lying above *Kings* Creek be Incorporated into *James City* County, and That a Line be Runn from The head of *Kings* Creek to the head of *Warehams* Runn for The Bounds Between *James City* County and *York*

That all That part of *Warwick* County Lying above *Water's* Creek be Incorporated into *York* County and That a Line be Runn from The head of *Water's* Creek to *New Pocoſon* River And from The opoſite ſide of That River in a Direct Courſe to *York* River for The Bounds Between *York* County and *Elizabeth City*—And

That The whole tract of Land Lying Below *Waters's* Creek and The Aforementioned Line be Added to The County of *Elizabeth City*.

By this Diviſion or ſome other That may be Thought more Convenient to Make The Countys Compact from River to River The Inhabitants will have the advantage of Being near Their Reſpective Court houſes and places of General Muſter And The County Levys will be Conſiderably Leſſned And made More Equal and Eaſy to The Inhabitants which ought always to be preferrable to any private Inconveniencys That may be urged againſt The ſame

Ordered That The ſaid Meſſage Lie upon The Table

Mr *William Robinſon* Moving for Leave to go into The Country upon Extraordinary Occaſions Leave is Accordingly given him

Ordered

Ordered That he Attend The Service of The houſe at The firſt Meeting Thereof on *Munday* Come Seven Night—

Mr *Ball*, and Mr *Conway* (According to Leave given Them) Brought in a Bill for Aſcertaining The Bounds between The Countys of *Northumberland* and *Lancaſter* which was Read the firſt time and ordered to be Read a ſecond Time

And Then The Houſe adjourned Till to [morrow] Morning Ten a Clocke

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Satturday November 11th 1710

MR. *William Robinſon* from The Comittee of Elections and Priviledges Reported That The Said Comittee had Taken into Conſideration the petition of Mr *Francis Merriwether* Complaining of An Undue Election for The County of *Eſſex* and That Thereupon The ſaid Comittee had Come to a Reſolution which he Read in his place and Then Delivered in at The Table where The ſame being again Read, after a Debate Thereupon, The Queſtion was put

That The Report of the ſaid Comittee be Agreed to

Reſolved in the Affirmative, and Thereupon

Reſolved That Mr *John Hawkins* and Mr *James Baughan* are Duly Elected Burgeſſes to Serve in This preſent General Aſſembly for The County of *Eſſex*

Mr *Maſon* from The Comittee to whom it was Referred to prepare and Bring in a Bill to prevent The Levying of Warr Taking up arms Keeping of Weapons offencive or Defenſive by Negros, Mulatto's, Indians and other ſlaves and for prohibiting Their being Imployed As Millers & Overſeers within This Colony and Dominion of *Virginia* Reported That The ſaid Comittee had prepared The Bill which he preſented to The houſe and The ſame being Received was Read The firſt Time and ordered to be Read a Second Time

A Bill for prevention of Abuſes in Tobacco ſhipped on freight And for The more Certain freighting of Tobacco was Read The ſecond Time

And after a Debate, The Queſtion was put

That The Bill be Comitted for amendments

Reſolved in The Affirmative and thereupon

Ordered That it be Comitted to a Comittee of The whole houſe.

Reſolved That The houſe Will on *Tueſday* next Reſolve it Self into a Comittee of The whole houſe upon The Said Bill.

A Bill for Aſcertaining The Bounds between The Countys of *Northumberland* and *Lancaſter* was Read The ſecond Time and Comitted to the Comittee of propoſitions & Grievances

An Engroſſed Bill Entituled *An Act for Setling & Aſcertaining The Current Rates of forreign Coins in This Dominion* was Read The Third Time

Reſolved That The Bill do paſs

An Engroſſed Bill from The Councill Entituled *an act to prevent The Deſtroying and Murthering of Baſtard Children* was with The Amendments Read The Third Time

Reſolved That The Bill With The amendments, do paſs

An Engroſſed Bill Entituled *an Act Prohibiting White Women Working in The Ground* was Read The Third Time

And after a Debate, The Queſtion was put

That The Bill do paſs

It paſt in The Negative

Reſolved That The Bill be Rejected

Mr *Randolph* from The Comittee of propoſitions and Grievances Reported That The ſaid Comittee had Taken into Conſideration ſome of The Matters to Them Referred and Therein had Come to Some Reſolutions Which he Read in his place and Then Delivered Them in at The Table, Where being again Read The houſe Took The ſame into Imediate Conſideration

And

And upon Conſideration of The Report of The Said Comittee Made upon That part of The grievance from *prince George* County That The Act Eſtabliſhing The Diviſions of y^e ſeveral Countys on The ſouth ſide *James* River is very Inconvenient and Irregular

The houſe agreed to The Report of The Said Comittee *Viz^t*

Reſolved That The ſame be Rejected

And upon Conſideration of The Report of the Said Comittee Made upon That part of the Grievance from *Prince George* County Againſt The *Tuſcaruro* and other forreign Indians hunting on Their frontier plantations

The houſe Agreed to the Report of The Said Comittee *Viz^t*

Reſolved That The ſame be Rejected

Ordered That Mr *Chriſtopher Robinſon*, Mr *Eskridge*, Mr *Smith* Mr *Newton* Mr *Bouſh* and Mr *Curle* do Carry to The Councill The Engroſſed Bill Entituled *An Act for Setling & aſcertaining The Current Rates of foreign Coins in This Dominion* and Deſire Their Concurrence Thereto, alſo, That They Carry to The Council The Engroſſed Bill Entituled *an act to prevent The Deſtroying and Murthering of Baſtard Children*, And Acquaint Them that This houſe hath Agreed to The ſame with ſome amendments, to Which They Deſire Their Honours Concurrence.

And Then The houſe Adjourned Till *Munday* Morning Ten a Clock

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Munday November 13th 1710

MR. *Randolph* from The Comittee of propoſitions and Grievances Reported That The Said Comittee (had According to Order) prepared a Written Meſſage to The Governor which he Read in his place and Then Delivered in at The Table where The Same being Again Read was Agreed unto by The houſe and is as followeth

To the Honble Alexander Spotſwood *her Majeſtys Liev^t Governor of her Colony and Dominion of* Virginia

May it pleaſe your Honour

Wee her Majeſtys Moſt Dutifull and Loyal Subjects The Burgeſſes Now Aſſembled in Moſt humble Manner Begg Leave to Repreſent to your Honour That The Stop put to Granting Patents for Land in The Uſual Manner is Attended With great Inconvenience to Diverſe of her Majeſtys Subjects here which we are Encouraged to Lay before your Honour from The favourable Liberty Granted by The Moſt Gratious Charter of her Majeſtys Royal Predeceſſor King *Charles* The Second of Ever Bleſſed Memory, Wherein it is ſaid Lands ſhall be granted as hath been uſed & allowed ſince The firſt plantation in This Colony.

And foraſmuch as we are of opinion it Will greatly Tend to The Service of The Crown The advancement and Benefit of This Colony That her Majeſtys Lands be Granted under The Proviſo's accuſtomed before and Since The Making The ſaid Charter

Wee humbly pray your Honour Will be pleaſed to Allow Patents for Land to paſs with Such Proviſo's as The Subjects here and Their Anceſtors have formerly Enjoyed Them

Ordered That The Said Meſſage be fairly Tranſcribed and Signed by Mr *Speaker*

Mr *Randolph* from The Comittee of Propoſitions and Grievances to whom The Bill for Reſtraint of The too Licentious Keeping and Breeding of horſes &c. was Committed for amendments Reported That The ſaid Comittee had made Several amendments to The Said Bill Which he Delivered in at The Table where The ſame with an amendment being agreed to and Twice Read

After a Debate, upon The Queſtion put—

Ordered That The Said Bill with The Amendments be Engroſſed

M^r

Mr *Buckner* from The Comittee Appointed to Inſpect and Examine The Accounts of The Late Treaſurers Reported The proceedings of The ſaid Comittee Which he Read in his place and Then Delivered in at The Table Where The ſame being Again Read and Agreed to

Ordered That it be an Obſervation on The Journal That The Ballance Remaining in The hands of Mrs *Elizabeth Harriſon* Admrx to The Late Treaſurer *Benjamin Harriſon* Eſqr is Eighteen hundred and Seventy pounds Ten ſhillings and five pence half penny.

Ordered That it be an Obſervation on The Journal That Colonel *Richard Lee* hath not Accounted for The Duty on Liquors and ſlaves from The 14th Day of *July* 1707 to The Time The Act Laying Thoſe Dutys Expired—

Ordered That it be an Obſervation on The Journal That in one Article of The Late Treaſurers Account There is two hundred pounds Charg'd as paid by order of Council

Reſolved That The Account of Colonel *Peter Beverley* Who was formerly Treaſurer is Juſtly Ballanced—

A Bill to prevent The Levying of Warr, Taking up Arms, Keeping of Weapons Offenſive or Defenſive by Negros, Mulatto's, Indians and other Slaves And for prohibiting Their being Imployed as Millers and Overſeers within This Colony and Dominion of *Virginia* was Read The Second Time

And after a Debate, The Queſtion was put.

That The Bill be Comitted

Reſolved in The Affirmative, and Thereupon

Ordered That it be Comitted to The Comittee That prepared The ſame

The petition of *Samuel Thomſon* being Referred by The Council to The Conſideration of This houſe was Read praying allowance for his Negro who Run away upon Diſcovery of The Late Intended Inſurrection &c.

Ordered That The Said Petition be Rejected

Reſolved That The houſe will to Morrow Take into Conſideration The Several Meſſages to This houſe from The Governor, from The Governor and Council, and from The Council, which do now Lie upon The Table

Ordered That The houſe be Called over to Morrow at Twelve a Clock

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke.

Tueſday November 14th 1710

MR. *Randolph* Reported That The Comittee of Propoſitions and Grievances to Whom it was Referred to prepare and Bring in a Bill for Eſtabliſhing County Courts, for Regulating and Setling The proceedings Therein and Directing The Manner of Granting Probats of Wills and Adminiſtration of Inteſtates Eſtates and for appointing Rowling houſes and Publick Landings had prepared The ſaid Bill which he preſented to The houſe and The ſame was Received

The petition of *James Adams* Interpreter to The *Pamunkey* and *Chickahominy* Indians being Referred by The Council to The Conſideration of This houſe Was Read praying Allowance for Being Interpreter as aforeſaid

Ordered That The Conſideration of The Said Petition be Referred to The Comittee for Publick Claims to Report Their opinions Therein—

The houſe (According to Order) was Called over and The abſence of Thoſe Members That Did not Appear Excuſed.

The houſe (According to Order) proceeded to Take into Conſideration The Written Meſſage from The Governor and Thereupon—

Reſolved That Nothing Contained in The *Act for Eſtabliſhing The General Court and for Regulating and Settling The proceedings Therein* ſhall be Conſtrued or Deemed

to

to Derogate from The Royal Power and Prerogative of her Majefty her heirs and Succeſſors of Receiving Appeals and of Granting Comiſſions of Oyer and Terminer of Conſtituting and Erecting Such other Courts of Record as her Majeſty her heirs and Succeſſors by Her or Their Comiſſions or Inſtruccons to her or Their Governor or Commander in Chief of This Colony and Dominion for The Time Being ſhall Direct

Reſolved That a Bill be prepared upon The ſaid Reſolve—

Ordered That it be Referred to The Comittee of Propoſitions & Grievances to prepare and Bring in The ſaid Bill

The houſe (According to order) proceeded to Take into Conſideration The Written Meſſage from The Governor and Council Together with The petition of The Inhabitants of *Charles City* County, And Thereupon

Reſolved That that part of *James City* County Which Lyes on The ſouth ſide of *Chichahominy* River be added to The County of *Charles City* and That a Bill be prepared Accordingly

Ordered That it be Referred to The Comittee of propoſitions & Grievances to prepare and Bring in the Said Bill

Reſolved That The propoſitions in The Said Meſſage for altering The Bounds of Several other Countys be Diſſagreed to

The houſe (According to order) proceeded to Take into Conſideration The Written Meſſage from The Council Relating to Colonel *Harriſons* Claim

And after a Debate, Upon The Queſtion put

Reſolved That it is The opinion of This houſe

That The Claim of Colonel *Benjamin Harriſon* is not a Country Charge

Ordered That Mr *Merriwether*, Mr *Waller*, Mr *John Bolling*, Mr *Robert Bolling*, Mr *Joſeph Godwin*, Mr *Gray*, Mr *Newton*, Mr *Smith* Mr *Spratt*, Mr *Cuſtis*, Mr *Drummond* & Mr *Hawkins*, do Carry The Written Meſſage to The Governour

The houſe According to Order Reſolved it Self into a Comittee of The Whole houſe upon The Bill for prevention of abuſes in Tobacco Shipped on freight And for The More Certain freighting of Tobacco and after Some Time Spent Therein Mr *Speaker* Reſumed The Chair and Mr *Randolph* Reported from The Said Comittee That They had gone Through The Bill and Made Several Amendments Therein Which he Read in his place and afterwards Delivered in at The Table where The ſame were twice Read and agreed unto by The houſe—

Ordered That The Bill With The Amendments be Engroſſed

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke

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Wedneſday November 15th 1710

MR. *Randolph* from The Comittee of Propoſitions and Grievances to Whom it was Referred to prepare and Bring in a Bill to Oblige The Miniſter of The pariſh of St *Stephen* in the County of *King* and *Queen* to Officiate at the Chappell in the Said pariſh and for Building a Church Reported That the Comittee had prepared The ſaid Bill Which he preſented to The houſe and The ſame was Received

An Engroſſed Bill Entituled *An Act for Reſtraint of The too Licentious Keeping and Breeding of horſes* was Read The Third Time

And after a Debate, The Queſtion was put—

That The Bill do paſs

It paſt in The Negative

Reſolved That The Bill be Rejected

An Engroſſed Bill Entituled *an Act for prevention of Abuſes in Tobacco ſhipped on freight and for the more Certain freighting of Tobacco* was Read The Third Time

Reſolved That The Bill do paſs

Ordered

Ordered That Mr *Hollowaie*, Mr *Dudley*, Mr *Preffly*, Mr *Tarpley* Mr *Barber* and Mr *Simmons* do Carry The ſaid Bill to The Council and Deſire Their Concurrence Thereto

A Bill to Oblige The Miniſter of The pariſh of St *Stephen* in The County of *King* and *Queen* to Officiate at The Chappell of The Said Pariſh and for Building a Church was Read The firſt Time and ordered to be Read a Second Time to Morrow

Mr *Maſon* from The Comittee to whom The Bill to prevent The Levying of Warr Taking up Arms Keeping of Weapons Offenſive or Defenſive By Negroes Muliattos Indians & other Slaves and for prohibiting Their being Imployed as Millers and Overſeers Within This Colony and Dominion of *Virginia* was Comitted for Amendments Reported That The Said Comittee had Made Several amendments to The Said Bill Which he Delivered in at The Table where The ſame being Twice Read

Ordered That The Said Bill with The amendments, do lie upon ye Table

A Meſſage from The Council by Mr *Robertſon* That The Council have Agreed to The Amendments Made by This houſe to The Bill Entituled *an Act to prevent The Deſtroying and Murthering of Baſtard Children* With ſome amendments to Which They Deſire The Concurrence of This houſe—

The houſe proceeded to Take The Said Amendments into Conſideration And The ſame being Read Were Agreed unto by The houſe

Ordered That Mr *John Robinſon*, Mr *Ball*, Mr *Curl*, and Mr *Cuſtis* do Carry The Bill to The Council and Acquaint Them That This houſe hath Agreed to The ſaid amendments

A Bill for Eſtabliſhing County Courts for Regulating & Setling The proceedings Therein, and Directing The manner of granting Probats of Wills And adminiſtration of Inteſtates Eſtates and for Appointing Rowling houſes and publick Landings was Read The firſt Time and ordered to be Read a Second Time on *Fryday* Next

Reſolved That The houſe will to Morrow proceed on the further Conſideration of The Governors Speech—

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke—

Thurſday November 16th 1710

MR. *Randolph* Reported That The Comittee of Propoſitions and Grievances had (According to order) prepared two Bills which he preſented to The houſe and The ſame Being Received

A Bill for adding part of The County of *James City* to The County of *Charles City* Was Read The firſt time and ordered to be Read a Second Time on *Tuesday* next

A Bill to Explain part of An Act of Aſſembly Intituled *an act for Eſtabliſhing The General Court and for Regulating & Setling The proceedings Therein* Was Read The firſt Time and ordered to be Read a ſecond Time

A Bill to Oblige The Miniſter of The pariſh of St *Stephen* in The County of *King* and *Queen* to Officiate at The Chapell of The ſaid pariſh and for Building a Church, was Read the Second Time and Some Amendments being Therein Made at The Table and Twice Read

Ordered That The ſaid Bill, with The Amendments be Engroſſed

Mr *Buckner* from The Comittee of Publick Claims Reported That The ſaid Comittee had (According to order) Conſidered The Accounts of Mr *Henry Cary* and The Account of Mr *Micajah Perry* Togather with The Said *Carys* petitions to Them Relating and That Thereupon The Said Comittee had Come to Some Reſolutions which he Read in his place and Then Delivered in at The Table, Where The ſame being Again Read were ordered to Lie upon The Table.

The

The houſe (According to order) proceeded on The farther Conſideration of The Governors Speech, And Thereupon

Reſolved That The Governors houſe be finiſhed

Reſolved That a Comittee be Appointed to Inſpect what progreſs is allready made upon The Governors houſe—

And Thereupon a Comittee being Appointed; to Witt,

Mr *Holloway*.....Mr *Chriſtopher Robinſon*
Mr *Allerton*.....Mr *Preſſly*
Mr *Merriwether*.....Mr *Soane*
Mr *Burwell*.....Mr *Robert Bolling*

Ordered That The ſaid Comittee prepare a ſcheme of what may be farther Neceſſary for finiſhing the Governors houſe And That for Their better proceeding Therein, They Make Application to The Governor for his Advice And upon Conſideration of The Whole Matter Report Their opinions to The houſe.

Reſolved and Accordingly *Ordered*

That The ſaid Comittee have power to Diſcourſe The Governor About the preſent State of The Militia in This Country, and any Matter he ſhall Think Neceſſary to propoſe Touching The ſame, and That Thereupon the Said Comittee Report Their Opinions to this houſe.

Ordered That Mr *Holloway*, Mr *Eskridge*, Mr *Bouſh*, Mr *Soane*, Mr *John Robinſon* and Mr *Dudley* Do prepare and bring in The Addreſs to The Queen and That to The Governor According to The Reſolves of This houſe on The firſt of This Month.

Mr *Randolph* from The Comittee of propoſitions & Grievances Reported That The ſaid Comittee had Taken into Conſideration Several of The Matters to Them Referred and Therein had Come to Some Reſolutions Which he Read in his place and Then Delivered in at The Table where Being again Read The houſe took The ſame into Imediate Conſideration and The ſaid Report being Agreed to

Reſolved That The Surveyor of Each of The Countys of *Henrico* and *New Kent* Take The Courſes of *James* River And of The Main Branch of *Pamunkey* River at the head of the main Branch of *Chickahominy* Swamp and Divide The Land Between The ſaid Rivers Equally, and That This be performed by order of The Reſpective Courts of The ſaid Countys before the Laſt Day of *October* next at The Equal Charge of Each County and The Line Which ſhall be Run in Manner aforeſaid ſhall be adjudged and Taken to be The Line Dividing The ſ^d Countys

Reſolved That a Bill be Brought in to Lay a Duty on Liquors and Slaves

Ordered That it be Referred to The Comittee of Propoſitions & Grievances to prepare and Bring in The Said Bill

A Meſſage from The Council by Mr *Robertſon* That the Council have paſſed a Bill Intituled *an Act to prevent Hoggs Rooting Within The City of* Williamſburgh *and Certain Places Adjacent* to Which They Deſire The Coneurrence of This houſe Alſo That the Council according to The amendments agreed to, have amended The Bill Entituled *an Act to prevent The Deſtroying and Murthering of Baſtard Children.*

An Engroſſed Bill from The Council Entituled *An Act to prevent Hoggs Rooting Within the City of* Williamſburgh *and Certain places Adjacent* was Read The firſt Time and ordered to be Read a Second Time.

A Member of the houſe Moving for Leave to Bring in The petition of Mrs *Elizabeth Harriſon* Leave is accordingly given him, and The ſaid petition being Read praying That Leave May be given to bring in a Bill to Enable her to Sell Certain Lands and Negros for payment of The Debts of her Deceaſed Huſband Mr *Benjamin Harriſon*

Ordered That Leave be given to Bring in a Bill According to The prayer of The ſaid petition; and That Mr *Holloway*, Mr *Burwell* Mr *Eskridge* and Mr *Robert Bolling* do prepare and bring in The ſaid Bill, and Examine The Allegations of The ſaid Petition

And Then The houſe Adjourned till to Morrow Morning Ten a Clocke

Fryday

Fryday November 17th 1710

MR. *Holloway* from The Comittee to Whom it was Referred to Inſpect What progreſs is allready Made upon The Governors houſe Reported That The ſaid Comittee had proceeded Therein and Directed him to Move That They may have Leave to Meet again and That a Clerk Might be Appointed to Attend Them.

Ordered That The ſaid Comittee have Leave to Meet again and to Imploy a Clerk to Attend Them

Mr *Randolph* from the Comittee of propoſitions & Grievances Reported That the Said Comittee had Taken into Conſideration Several of The Matters to Them Referred and Therein had Come to Several Reſolutions Which he Read in his place and Then Delivered in at The Table where being again Read The Houſe Took the Same into Imediate Conſideration And The ſaid Report being Agreed to

Ordered That it be an Obſervation on The journal That There Still Remains in The hands of Colonel *Robert Carter* two hundred and one pounds Nine ſhillings and Nine pence for The Truſtees of the City of *Williamſburgh*

Ordered That *Richard Lee* Eſqr Collector of the Impoſt on Liquors Servants and Slaves in *Potomack* Diſtrict who hath Error in his Account (Rendered to Colonel *Peter Beverley* formerly Treaſurer) about four ſhillings and Seaven pence To his own advantage do mend his ſaid Account and Make Oath Thereto before ſome Juſtice of The County Where he Lives, of Which Colonel *Allerton* is deſired to give him Notice.

Ordered That Mr *Hancock Cuſtis* Collector of The Impoſt on Liquors Servants and Slaves in The Eaſtern Shore Diſtrict do make oath before Some Juſtice of The peace for *York* County Whether he did fully Account to Colonel *Peter Beverley* The former Treaſurer for all the Dutys That did Then Ariſe by The ſaid Impoſitions.

Reſolved That The propoſition from *Henrico* County for Erecting a Work-houſe is Impractieable, and Therefore That it be Rejected

Reſolved That The propoſition from *Henrico* County for Mony Debts to be paid in Tobacco at Ten Shillings ℔ hundred be Rejected.

A Written Meſſage from The Counſil by Mr *Robertſon*

Mr Speaker *and Gentlemen of The Houſe of Burgeſſes*—

The Conſpiracy of The Negro's in *Surry* County and Their Accomplices for Levying Warr in This her Majeſtys Colony was ſo happily Dicovered when it was juſt upon the point of Execution That we Think it for The publick Good of The Country to Recommend to You The Rewarding So Signal a Service. The perſon who gave The firſt Information of The Negro's Deſigns and Continued from time to time to Make Known Their Conſultations, was one *Will* a Negro Belonging to *Robert Ruffin* of *Surry* County: and Thô at his Earneſt Deſire his Diſcovery was as Carefully Concealed as Could be, yet in a ſhort Time he Became ſo much Suſpected That Several Negro's Laid Wait for his Life, ſo That his Maſter Deſiring he Might be Removed to a place of More Safety Wee accordingly Cauſed him to be Conveyed into The Northern Neck where he has Been and is Still Entertained and Since his Maſter hath Loſt The Benefit of his Labour and That wee have Engaged he ſhall be paid, wee not only propoſe That he may be Sattisfyed for The ſame; but That The Negro may have ſuch a Reward for The Service he has Done, As may Encourage others to The Like fidelity if Ever any Such Occaſion ſhoul again happen.

And foraſmuch as Several perſons were Imployed in Diverſe Countys on *James* River to Take up and Guard The Negros Suſpected to be privy to That plott and have Claims for The ſame before Your houſe, Wee Think it Neceſſary to Acquaint you That Thoſe ſervices [were] Done by order of The Government and for The Common Intereſt and Safety Thereof, and we Doubt not you Will Take Care That the Same be Duly paid

Ordered That The Meſſage Lie upon The Table

The

The Order for The Day being Read,

After a Debate, upon The Queſtion put

Ordered That The Bill for Eſtabliſhing County Courts for Regulating & Setling The proceedings Therein and Directing The Manner of Granting Probats of Wills and Adminiſtration of Inteſtates Eſtates and for Appointing Rowling houſes and publick Landings be Read a Second Time to Morrow.

Mr *Simmons* and Mr *Baughan* Severally Moving for Leave to be Abſent from The Service of The houſe to Morrow upon Extraordinary Occaſions Leave is accordingly given them

Upon a Motion Made

Ordered That The houſe be Called over to Morrow at Eleven a Clocke

An Engroſſed Bill Entituled *An Act to Oblige The Miniſter of The pariſh of* St Stephen *in The County of* King *and* Queen *to officiate at The Chappell in The Said pariſh And for Building a Church* was Read The Third Time

Reſolved, That the Bill do paſs

A Bill to Eplain part of an Act of Aſſembly Entituled *An Act for Eſtabliſhing y*^{e} *Gener*^{ll} *Court & for Regulating & Setling the proceedings Therein* was Read the Second Time—

Ordered That the Said Bill be Engroſſed

And Then The houſe adjourned till to Morrow Morning Ten a Clocke—

Satturday November 18th 1710

MR. *Ballard* Moving for Leave to go into The Country for Recovery of his health Leave is Accordingly given him.

Mr *Randolph* from The Comittee of Propoſitions & Grievances to whom it was Referred to prepare and Bring in a Bill for Laying a Duty on Liquors and Slaves Reported That The Comittee had prepared The Said Bill, which he preſented to The houſe and The ſame being Received Was Read The firſt Time and Ordered to be Read a Second Time

A Member of The houſe Moving for Leave to bring in The petition of Mrs *Elizabeth Harriſon* Widow and Adm^{rx} of The Eſtate of *Benjamin Harriſon* Eſq^{r} Dec^{d} Leave is Accordingly given him, and The ſame was Read Alledging That in The Treaſurers Accounts by her Exhibited into This houſe There is a Manifeſt Error of four hundred pounds to The prejudice of The Eſtate of The Said Dec^{d} and Thereupon praying That ſhe may have Leave to make The ſame appear.

Ordered That it be Referred to The Comittee Appointed to Inſpect the Treaſurers Accounts to Examine The Allegations of The ſaid petition and to Report Thereupon to The houſe

The houſe According to order Was Called over and The abſence of Thoſe Members That Did not Appear Excuſed.

A Bill for Eſtabliſhing County Courts for Regulating & Setling The proceedings Therein and Directing The Manner of Granting probats of Wills and Adminiſtration of Inteſtates Eſtates and for Appointing Rowling houſe and publick Landings was (Aecording to order) Read a Second Time

And after a Debate, The Queſtion was put

That The Bill be Comitted for Amendments

It paſt in The Negative

Then Several Amendments were made in the Bill at The Table and Being Twice Read

Ordered That The ſaid Bill, with The amendments be Engroſſed

A Meſſage from The Council by Mr *Robertſon*—That The Council have Agreed to The Bill Entituled *An Act for Setling and Aſcertaining The Current Rates of forreign Coins*

Coins in This Dominion, with ſome amendments to which They Deſire The Concurrence of This houſe.

Alſo, That The Council have Agreed to the Bill Entituled *an act for prevention of Abuſes in Tobacco ſhipped on Freight and for The More Certain freighting of Tobacco* with ſome amendments to which They Deſire The Concurrence of this houſe.

The houſe proceeded to The Conſideration of the Amendments to The Bill for The Better preventing The Inſurrections & Conſpiracys of Negro's and other Slaves and The ſame being Read, The Bill was Recomitted

Reſolved That The houſe will on *Tueſday* morning Next Reſolve it ſelf into a Comittee of The Whole houſe, upon The Recommitment of The ſaid Bill,

The Councils Amendments to The Bills This Day Brought into The houſe by M[r] *Robertſon* were Read and ordered to lie on The Table.

An Engroſſed bill Entituled *An Act to Explain part of an Act of Aſſembly Intituled an Act for Eſtabliſhing The General Court And for Regulating and Setling The proceedings Therein* was Read The Third Time and a Small Amendment being made Therein and Thrice Read

Reſolved That The Bill do paſs, as amended

Ordered That M[r] *Eskridge*, M[r] *Soane*, M[r] *Neal*, M[r] *Ball*, M[r] *Thomas Godwin* and M[r] *Milner* do Carry The ſaid Bill to The Council With That paſſed Yeſterday, and Deſire Their Honours Concurrence Thereto

And Then The houſe Adjourned Till *Munday* Morning Ten a Clocke—

Munday November The 20th 1710

UPON a Motion Made

Ordered That M[r] *Samuell Harwood*, M[r] *Allerton*, M[r] *Hardyman*, M[r] *Stannup*, M[r] *John Bolling* And M[r] *Soane* Wait upon The Governor and Deſire him to Iſſue out a new Writt for The Electing a Burgeſs to Serve in This Aſſembly for The County of *Charles City* In The Room of M[r] *Thomas Parker* Dec[d]

M[r] *Holloway* Reported That The perſons Appointed (had according to Order) prepared a Bill to Enable *Elizabeth Harriſon* Widow and Adminiſtratrix of *Benjamin Harriſon* Late of The County of *Charles City* Gent. Dec[d] to Sell Certain Lands and Slaves Late The Eſtate of The ſaid *Benjamin* for payment The Debts of The ſaid *Benjamin* which he preſented to The houſe and The ſame being Received, he farther Reported That They had Examined The Allegations of the petition and found The ſame to be True

Then The ſaid Bill was Read The firſt Time, and Ordered to be Read a Second Time

An Engroſſed Bill Entituled *An Act for Eſtabliſhing County Courts for Regulating and Setling The proceedings Therein and Directing The Manner of Granting Probats of Wills and Adminiſtration of Inteſtates Eſtates and for Appointing Rowling houſes and publick Landings* was Read The Third Time and a Small amendment being made Therein and Thrice Read

Reſolved That The Bill as amended do paſs

Ordered That The Comittee of propoſitions And Grievances do Carry The ſaid Bill to The Council and Deſire Their Concurrence Thereto

Upon a Motion Made

Ordered That it be Referred to The Comitee of Propoſitions & Grievances to prepare and Bring in a Bill for Setling The Titles and Bounds of Lands And for preventing unlawfull ſhooting & Ranging Thereupon

An Engroſſed Bill from the Council Entituled *An Act to prevent Hoggs Rooting Within The City of* Williamſburgh *and Certain places Adjacent* was Read The ſecond time.

And

And after a Debate, The Queſtion was put
That The Bill be Read a Third Time
Reſolved in The Affirmative
Then An Amendment to The bill being Agreed to
Ordered That The Bill, with The Amendment, be Read a Third Time
A Bill for Laying a Duty on Liquors and Slaves was Read The Second Time And Comitted to Mr *Holloway* and Mr *Eskridge*.
Upon a Motion Made
Ordered That Mr *Holloway* be Added to The Comittee Appointed to prepare and bring in a Bill for Aſcertaining Clerks fees &c.
Upon a Motion Made
Ordered That Mr *Holloway* be Added to The Comittee of propoſitions and Grievances.
And Then the houſe Adjourned Till to Morrow Morning Ten a Clocke—

Tueſday November 21ſt 1710

MR. *Randolph* from The Comittee of propoſitions & Grievances to Whom The Bill for Aſcertaining The Bounds between the Countys of *Northumberland* and *Lancaſter* was Comitted for Amendments Reported That the ſaid Comittee had made ſeveral Amendments to The ſaid Bill Which he Delivered in at The Table
A Bill for Adding part of The County of *James City* to The County of *Charles City* was (According to order) Read The Second Time,
And Thereupon
A Member of The houſe Moving for Leave to Bring in a petition of Several of The Inhabitants and freeholders on The Weſt Side *Chickahominy* River in *James City* County, Leave is Accordingly given him, and The ſame was Read praying That The Bounds of The ſaid County may not be altered
After a Debate, The Queſtion was put
That The Bill be Engroſſed
It paſt in The Negative, And Thereupon
Reſolved That The Bill be Rejected
A Bill to Enable *Elizabeth Harriſon* Widow and Adminiſtratrix of *Benjamin Harriſon* Late of The County of *Charles City* Gent Decd to ſell Certain Lands and ſlaves Late The Eſtate of The ſaid *Benjamin* for payment of The Debts of The ſd *Benjamin* Was Read The Second Time, and after a Debate,
Upon The Queſtion put
Ordered That The ſaid Bill be Engroſſed
A Member of The houſe Moving for Leave to Bring in The Petition of *William Anderſon* and *Chriſtopher Smith*, leave is Accordingly given him, And The ſame being Read praying That St *Johns* pariſh in *King William* County may be Divided
After a Debate, The Queſtion was put
That The petition be Referred to a Comittee
Reſolved in The Affirmative, And then upon Another Queſtion put
Ordered That The Conſideration of The ſaid petition be Referred to The Comittee of propoſitions and Grievances to Report Their opinion Thereupon
An Engroſſed bill from The Council Entituled *An Act to prevent Hoggs Rooting Within the City of* Williamſburgh *and Certain places Adjacent* was with The Amendment Read The Third Time,
And after a Debate, Upon The Queſtion put
Reſolved That The Bill do not paſs

A Written Meſſage from The Honble The Leiv^t Governor by Mr *Robertſon*
Mr Speaker *And Gentlemen of The Houſe of Burgeſſes*—

Her Majeſty having Thought fit to Repeal The Act for Raiſing a Publick Revenue paſt Laſt Seſſion of Aſſembly becauſe of Several Inconvenient Clauſes Therein I have her Majeſtys Comands to Recomend to This Aſſembly The paſſing a new Law in a Manner Leſs Burthenſome to her Subjects particularly her Majeſty is pleaſed to Take Notice That the Clauſe Which Directs The Method of Meaſuring of Ships in order to The payment of The Tunnage having been Coppyed from An Act of Parliament in *England* Which Becauſe of The Inconveniencys Thereof was ſoon after Repealed and another Rule of Admeaſurement Subſtituted in Its Stead; her Majeſty Doth not Think fitt to Continue That as a Duty on her Subjects here which has been Judged Inconvenient to her Subjects in *Great Brittain*—Nevertheleſs her Majeſty being Deſirous That ye Duty of Tunnage be Duly and punctually Accounted for and paid according to the True Burthen of The ſhips and Veſſels hath Comanded me to propoſe That The Rule practiſed in *England* for Admeaſurem^t of ſhips be Eſtabliſhed by Law here *Viz^t*
"That all ſhips and Veſſels ſhall be meaſured by Taking The Length of The Keel ſo "much as ſhe Treads on The Ground and The Breadth to be Taken Within Board by "The Mid ſhip Beam from plank to plank And half that Breadth ſhall be Accounted "for The Depth of Every ſhip or veſſel, Then Multiply The Length by The Breadth "and The product Thereof by The Depth And Divide the Whole by Ninety four and "the Quotient ſhall give The True Contents of The Tunnage.

But in Caſe the ſaid Rule ſhall be found Impracticable Becauſe The Tides in theſe parts Riſe not high Enough to Lay Ships Dry That Then The following Method of Admeaſurement Agreed unto by The Comiſſioners of her Majeſtys Cuſtoms be Inſerted in ſuch new Law to be paſſed *vizt*

"That The Meaſure be by The Length of The Gun deck Deducting Three fifths "of The greateſt breadth from outſide to outſide and Multiplying the product by The "Breadth from out to out (and not Within board) and That product Again by half The "ſaid Breadth and That product Divided by Ninety four which will give The True Con- "tents of The Tonnage.

And ſince her Majeſty has been pleaſed to prefer The eaſe of her Subjects before the Advantage Which Would have accrued to her Revenue by The Continuance of The Method preſcribed in the Laſt Act of Aſſembly I hope in The paſſing of This New Act you will Carefully Avoid Inſerting any Clauſes That may be Diſagreeable to her Majeſty

The poſt Maſters General of *Great Brittain* having with her Majeſtys Approbation Reſolved to Settle poſts for The Conveniency of her Majeſtys Subjects in Their Correſpondence Through The Several Colonys on The Continent of *America* I Recommend to you The Memorial which has been preſented to me on That Subject and Doubt not you will give all Suitable Encouragement to This Undertaking Which is of ſo publick Concernment for her Majeſtys Serviee and The Benefit of all her Subjects

November 21^ſt 1710 *A Spotſwood*

Ordered That the Said Meſſage and papers Thereto Relating do lie upon The Table

The petition of The Veſtry of *Bruton* Parriſh being Referred by The Leiv^t Governor and Council to The Conſideration of The houſe Was Read praying a Contribution Towards Building a Church in The ſaid pariſh

Ordered That The ſaid petition lie upon The Table

The houſe proceeded to Take into Conſideration The Amendments propoſed by The Council to The Bill Entituled *An Act for ſetling and Aſcertaining The Current Rates of forreign Coins in This Dominion* And The ſame being Read part of The ſaid Amendments were agreed unto Without amendments and part with and the other Diſſagreed unto

The houſe proceeded to Take into Conſideration The Amendments propoſed by The Council to The Bill Entituled *An Act for prevention of Abuſes in Tobacco Shipped*

on

on freight and for The More Certain freighting of Tobacco and The ſame being Read part of The ſaid Amendments were Agreed unto without amendments and part with and The other Diſagreed unto

Ordered That Mr *Holloway*, Mr *Merriwether*, Mr *Waller*, Mr *Allerton* Mr *Maſon* And Mr *Dudley* do Carry The ſaid Bills to The Counell And Acquaint Them with the proceedings of this houſe Thereupon

The houſe proceeded to Take into Conſideration The Amendment Made by the Comittee of propoſitions & Grievances to The bill for Aſcertaining The Bounds between The Countys of *Northumberland* And *Lancaſter*, And The ſame being Twice Read were With an Amendment Agreed unto

Ordered That The ſaid Bill, with The amendments, be Engroſſed.

The houſe (According to order) Reſolved it ſelf into a Comittee of The Whole houſe upon The Recommitment of The Bill for the better preventing The Inſurrections and Conſpiracys of Negro's And other ſlaves and after ſome Time ſpent Therein Mr *Speaker* Reſumed The Chair And Mr *Randolph* Reported from The ſaid Comittee That they had made ſome progreſs in The Bill And Directed him to move That They may have Leave to ſit Again

Reſolved That The houſe will to morrow Morning Reſolve it Self into a Comittee of The whole houſe upon The Recommitment of The ſaid Bill

And Then The houſe Adjourned till to Morrow Morning Ten a Clocke.

Wedneſday November 22d. 1710

MR. *Drummond* (According to Leave given him) preſented to the houſe a Bill to Diſſolve The Veſtry of The pariſh of *Accomack* in The County of *Accomack* and to appoint an Election of Veſtrymen to be made, And The ſame being Received was Read The firſt Time, And ordered to be Read a Second Time

An Engroſſed Bill Entituled *An Act for Aſcertaining The Bounds Between The Countys of* Northumberland *and* Lancaſter was Read The Third Time and ſome amendments being Made Therein, and Thrice Read

Reſolved That The Bill with The Amendments do paſs

Mr *Holloway* from The Comittee Appointed to Inſpect What progreſs is already made upon The Governors houſe and to prepare a ſcheme of what may be farther Neceſſary for finiſhing The ſame, Reported the proceedings of The ſaid Comittee Thereupon which he Read in his place and Then Delivered in at The Table.

Mr *Holloway* alſo Reported That the Said Comittee (had According to Order) Diſcourſed The Governor about The preſent State of the Militia in This Country And That he had not as yet propoſed any Matter Touching The ſame, but had told Them he Would in Relation Thereto offer Something to Their Conſideration and That Therefore The ſaid Comittee had Directed him to Move for Leave to Meet again.

Ordered That The ſaid Comittee have Leave to Meet again—

Then The Report of The ſaid Comittee About The Governors houſe was Read and ordered to lie upon The Table with ſome papers Thereto Relating

Ordered That it be Referred to The Comittee of Propoſitions & Grievances to prepare And bring in a Bill for finiſhing The Governors houſe

Upon a Motion Made

Ordered That The Comittee Appointed to prepare and Bring in a Bill for Aſcertaining Clerks fees &c have Liberty to Employ a Clerk to Attend The ſaid Comittee

The houſe proceeded to Take into Conſideration The Report of The Comittee for publick Claims Made upon Their Examination of The Accounts And petitions of *Henry Cary* and The ſame being Read, the houſe Diſagreed to part of The ſaid Report, and Thereupon

Ordered

Ordered That The Article of four hundred Thirty Three pounds Six Shillings And Eight pence Charged in The Said *Carys* Account for Sallary be Again Conſidered by The ſaid Comittee And That They Make Such Report as The houſe may Come to a Reſolution Thereupon.

Ordered That The farther Conſideration of The Report of The Said Comittee be Referred

Mr *Holloway* from The perſons to Whom The Bill for Laying a Duty on Liquors and Slaves was Comitted Reported That the ſaid Comittee had Agreed upon Several Amendments to be Made in The Bill Which he Delivered in at The Table where The ſame being Read were with other Amendments Agreed unto by The houſe and made in The Bill and Twice Read.

Ordered That The ſaid Bill, with The amendments, be Engroſſed

The houſe proceeded to Take into Conſideration The Meſſage from The Councill Relating to The Diſcovery Made of the Conſpiracy of The Negros in *Surry* County and Thereupon

Reſolved That *Will* a Negro Belonging to *Robert Ruffin* of *Surry* County Who gave The Information of The Negros Conſpiracy in That County, be ſet free, and That in Conſideration Thereof There be paid unto his ſaid Maſter out of the publick Monys in The hands of Mrs *Elizabeth Harriſon* Admrx of ye goods & Chattles of ye late Treaſurer the Sum of forty pounds

and after a Debate, the Queſtion was put

That The Negro Receive a farther Reward

It paſt in The Negative

Ordered That The Comittee of propoſitions and Grievances prepare and Bring in a Bill upon The Said Reſolve.

A Meſſage from The Council by Mr *Robertſon* That The Council deſire a Conference with This houſe upon The Subject Matter of Their amendmts to The Bill Entituled *An Act for prevention of Abuſes in Tobacco Shipped on frieght and for The More Certain freighting of Tobacco*

Alſo That The Council Deſire a Conference with This houſe upon The Subject Matter of Their Amendments to The Bill Entituled *an act for Setling And Aſcertaining The Current Rates of forreign Coins in This Dominion*, and That They have Appointed four of Their Members to Mannage ye ſame with ſuch a Number of Burgeſſes as This houſe ſhall Think fitt, and That Their Managers Will be Ready to Meet Thoſe to be Appointed by This houſe to Morrow Morning at Ten a Clock in The Conference Room—

Which Conferrence being Agreed to

Mr *Holloway*.....Mr *Wilſon*
Mr *Allerton*.....Mr *Chr Robinſon*
Mr *Meriwether*.....Mr *Waller*
Mr *Soane*.....Mr *Fox*

Were Appointed Mannagers for the houſe in The ſame & ordered to Attend the Council at The Time and place by Them Appointed

Ordered That The ſaid Mannagers do go to The Council and Acquaint Them That This houſe hath Agreed to The Conferences by Them Deſired and That They have Appointed Mannagers Accordingly

Mr *Barbar* Moving for Leave to be abſent from The ſervice of The houſe Till *Fryday* next upon Extraordinary Occaſions Leave is Accordingly given him—

A Meſſage from The Council by Mr *Robertſon* That The Council have Agreed to The Bill Entituled *An Act to explain part of An Act of Aſſembly Entituled an Act for Eſtabliſhing The General Court and for Regulating & Setling The proceedings Therein* Without any Amendments

Reſolved That The houſe Will to Morrow Reſolve it Self into a Comittee of The whole houſe upon The Recommitment of the bill for the Better preventing The Inſurrections and Conſpiracys of Negros and other ſlaves.

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke —

Thurſday

Thurſday November 23d 1710

AN Engroſſed Bill Entituled *an Act Enabling* Elizabeth Harriſon *Widow and admrx of* Benjamin Harriſon *Late of The County of* Charles City *Gentleman Decd to ſell Certain Lands & Slaves Late The Eſtate of The ſaid* Benjamin *for payment of the Debts of The ſaid* Benjamin was Read The Third Time, and an amendment made Therein, which was Thrice Read

Upon a Motion Made

Ordered That Mr *Nathaniel Harriſon* be Sworn by a Juſtice of peace for *York* County to The End he may be Examined before This houſe upon The Allegations in The ſaid Bill, And The houſe being Informed That he had been Accordingly Sworn he was Called before The houſe, and Examined, and Then Withdrew

Reſolved That The Bill, as Amended Do paſs

Mr *Holloway* from The Conferrence with The Council on The Subject Matter of The Amendments propoſed by Them to The Bill Entituled *An Act for prevention of Abuſes in Tobacco Shipped on frieght And for the More certain freighting of Tobacco* Reported The Subject Matter of The Said Conference and Thereupon The houſe took The ſame into Conſideration

Reſolved That The houſe Adhere to Their Amendment made to the Councils Sixth Amendment to the Bill Entituled *An Act for prevention of Abuſes in Tobacco ſhipped in freight And for The More Certain freighting of Tobacco*

Ordered That The perſons who Mannaged The ſaid Conference do Carry a Copy of The Said Reſolve to The Council With The bill and amendments

A Member of The houſe Moving That Leave May be given to Mr *John Bolling* to go into The Country for Recovery of his health, Leave is Accordingly given him

A Written Meſſage from The Honble the Lievt Governr by Mr *Robertſon*

Mr Speaker *and Gentlemen of The Houſe of Burgeſſes*

It hath been The Care of former Aſſemblys to Make proviſion from Time to Time for Defence of This Colony as Well againſt forreign Invaſions as Inteſtine Comotions; but The Laws made for That purpoſe being only Temporary are ſom Time ſince Expired, Thô 'tis not to be Doubted but That The Reaſons on Which They were grounded do Still Subſiſt. I think it Therefore Neceſſary to put you in Mind, That in order to Encourage both The officers And Soldiers of Your Militia, to be Reſolute in The Defence of your Country, it is fit That proviſion be made for the payment of Such of the Militia, as I ſhall find Requiſite to Call togather And Keep up in Time of Invaſion, Inſurrection or other Danger, and That Suitable power be given for Impreſſing And proviſion Made for paying Such Artificers, Sailors Sloops and veſſells as may be found Neceſſary on ſuch Emergencys.

I have had Occaſion from a Late proſecution in The General Court againſt a Gentleman Who Refuſed to be Sheriff of *Glouceſter* to Diſcover a very great Defect in your Conſtitution; for if Gentlemen after They are once Recommended by The Court and Commiſſioned by The Governor, ſhall Still be at Liberty to Accept or Refuſe It will be in Their power to give ſuch an Interruption to The Courſe of Juſtice as ought never to be Tollerated in any well Conſtituted Government, Wherefore I Recommend to you to paſs a Law to Oblige Such as are Nominated Sheriffs, to do the Duty of That Office and becauſe Some perſons beſt able to Support The Charge (if there be any) May yet have So little Regard to The Service of Their Country, That to Avoid Serving as Sheriff, They will Throw Themſelves out of The Commiſſion of The peace, I leave it to your prudence to provide againſt ſuch Evaſions

November 23d 1710 *A Spotſwood*

Ordered That The meſſage lie upon The Table

Mr *Holloway* from The free Conference with The Council on The Subject Matter of the Amendments propoſed by them to the bill Entituled *an act for Selling And Aſcertaining*

taining the Current Rates of forreign Coins in This Dominion, Reported The Subject Matter of The Conference and Thereupon the houſe Took The ſame into Conſideration

And after a Debate upon The Queſtion put

Reſolved That The houſe do not Inſiſt upon Their Diſagreeing to The fifth Amendment propoſed by The Council to The ſaid Bill

Ordered That The Bill be Amended According to The Amendments agreed to and that The perſons Who Mannaged the Said Conference do Carry The ſame to The Council and Acquaint them Therewith

As alſo that They Carry to the Council The Bills paſſed Yeſterday and This Day, and Deſire Their Honours Concurrence Thereto:

Reſolved That The houſe will to morrow Reſolve it ſelf into a Comittee of The Whole houſe upon The Recommitment of The Bill for The better preventing The Inſurrection and Conſpiracys of Negros and other Slaves

And Then The houſe Adjourned till to Morrow Morning Ten a Clocke

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Fryday November 24th 1710

A BILL to Diſſolve The Veſtry of The Pariſh of *Accomack* in The County of *Accomack* Was Read The ſecond Time and an amendment being Made Therein and Twice Read

After a Debate, upon The Queſtion put

Ordered That The Bill, with The Amendment, be Engroſſed

An Engroſſed Bill Entituled *an Act for Laying a Duty on Liquors and Slaves* was Read The Third Time.

Reſolved That The Bill do paſs

Upon a Motion Made

Reſolved That a Bill be prepared appointing Mr *Speaker* to be Treaſurer of *Virginia*

Ordered That it be Referred to The Comittee of propoſitions & Grievances to prepare and Bring in The Said Bill

Ordered That The Comittee of propoſitions and Grievances Carry to The Council The Bill which This Day paſſed The houſe, and Deſire Their Honours Concurrence Thereto

The houſe proceeded to Take into Conſideration The Meſſage from The Governor on The Twenty firſt of This Month, and Thereupon

Reſolved That a Bill be prepared upon That part of The Said Meſſage Relating to The publick Revennue, and admeaſurement of ſhips.

Ordered That It be Referred to The Comittee of propoſitions & Grievances to prepare and bring in The Said Bill

Then The houſe proceeded on the farther Conſideration of The ſaid Meſſage

And after a Debate, The Queſtion was put

That a Bill be prepared upon That part of The ſaid Meſſage Relating to Poſts.

It paſſed in the Negative, and Thereupon

Ordered That The ſame be Referred to The Conſideration of the Next Seſſion of Aſſembly.

Mr *Randolph* from The Comittee of propoſitions and Grievances Reported That The Said Comittee had Taken into Conſideration Some Reſolutions Which he Read in his place and Then Delivered Them in at The Table where being Again Read the houſe Took The ſame into Imediate Conſideration

And upon Conſideration of the Report of The ſaid Comittee Made upon the grievance from the County of *King William* That the Bounds between That and The County of *King & Queen* were not aſcertained

The houſe Agreed to The Report of the ſaid Comittee *Viz*t

Reſolved That Mr *Harry Beverley* Surveyor of The ſaid Countys, Togather with *John Waller, Henry Fox, William Bird* and *James Taylor* Gent. ſome Time before The

firſt

firſt Day of *October* next view the Said Bounds and make Report how They find the ſame, and which is the Main Branch of *Mattapony* River to The Next Seſſion of Aſſembly Which ſhall be held after The Said view Made, and That The Charge of Making the ſame be paid by the Inhabitants of The ſaid County of *King William*

And upon Conſideration of The Report of The Said Comittee made upon The propoſitions from The Countys of *Henrico* praying an Impoſition may be Laid for Raiſing Money to Carry on an Iron Work in The ſaid County

The houſe Agreed to The Report of The ſaid Comittee with an Amendment and thereupon

Reſolved That the Said Work is fitt to be Encouraged, that a Scheme of the Work propoſed to be made with an Eſtimate of The Charge Thereof be prepared by the perſons Subſcribing The Said propoſitions (if They think fitt) and preſented to the next Seſſion of Aſſembly to Whom The Conſideration of The Said propoſitions is Referred

And upon Conſideration of the Report of the Said Comittee Made upon The petition of *William Anderſon* & *Chriſtopher Smith* Inhabitants of St *John* Pariſh in the County of *King William*

After a Debate upon The Queſtion put

The houſe Agreed to The Report of The Said Comittee *vizt*

Reſolved That The ſaid pariſh ought to be Divided And That it will be proper to be Done by a Bill to be Brought in at The next Seſſion of Aſſembly.

The houſe (According to order) Reſolved it Self into a Comittee of The Whole houſe upon The Recommitment of the bill for the better preventing The Inſurrections and Conſpiracys of Negros and other Slaves and after Some Time Spent Therein Mr *Speaker* Reſumed the Chair and Mr *Randolph* Reported from The Said Comittee That They had made Some progreſs in the bill, and Directed him to Move That They May have Leave to Sit again.

Reſolved That the houſe Will to Morrow Reſolve it Self into a Comittee of The whole houſe upon the Recommitment of the Said Bill.

And Then The houſe Adjourned Till to morrow Morning Ten a Clocke—

Satturday November 25th 1710

MR. *Randolph* Reported That The Comittee of propoſitions and Grievances had according to order prepared to Bills; to Witt

A Bill for Setling The Tiles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon,

A Bill for finiſhing a houſe for The Governor of This Colony and Dominion Which he preſented to The houſe And the ſame Were Received

A Meſſage from the Councill by Mr *Robertſon* That the Council do not Inſiſt on Their Diſagreement to the Amendments made by This houſe to Their Sixth Amendment to the Bill Entituled *An Act for prevention of Abuſes in Tobacco ſhipped on freight and for the more Certain freighting of Tobacco*

Alſo That the Council have paſſed the Bill Entituled *An Act for Setling and Aſcertaining the Current of Rates of forreign Coins in This Dominion* as amended

Ordered That The Bill Entituled *An Act for prevention of Abuſes in Tobacco Shipped on freight and for the more Certain freighting of Tobacco* be amended according to the Amendments Agreed to

Mr *Samuel Harwood* Moving for Leave to go into the Country for Recovery of his health, leave is Accordingly given him—

Mr *Buckner* Reported That The Comittee Appointed to Inſpect the Treaſurers Accounts (had According to order) Examined the Allegations of Mrs *Elizabeth Harriſon* in her petition, and Therein had Come to a Reſolution which he Delivered in at The Table.

A Bill for finifhing a houfe for The Governor of this Colony and Dominion was Read the firft Time and ordered to be Read a fecond Time.

A Bill for Setling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging thereupon was Read The firft Time and Ordered to be Read a Second Time

Upon a Motion Made

Ordered That an Addrefs to the Governor be prepared Acquainting him with the proceedings of This houfe upon his Speech and Meffages, And That he be Thereby Defired to Lay fuch other Matters before this houfe as by him may be Thought proper

Ordered That it be Referred to The Comittee of Propofitions And Greivances to prepare and bring in The faid Addrefs.

The houfe proceeded to Take into Confideration The Meffage from The Governor on The Twenty Third of this Month And Thereupon

Ordered That The Comittee of Propofitions And Grievances prepare and Bring in a Bill Reviving The act for Security and Defence of the Country in Times of Danger or That Inftead Thereof They prepare Such other Bill as by them fhall be Thought proper

Ordered That The Said Comittee prepare and bring in a Bill upon That part of The Said Melfage Recommending The paffing a Law to Oblige Such as are Nominated Sheriffs to do the duty of That office.

Upon a Motion Made

Ordered That a Scandalous paper lately found, be privately Kept by The Clerk, and That the Author Thereof, if Difcovered be Lyable to The Cenfure of This houfe

M[r] *Holloway* Reported That The perfons apointed (had according to order) prepared an addrefs The Queen, which he Read in his place and Then Delivered in at The Table Where The fame was Again Read and ordered to lie upon The Table.

The houfe (According to order) Refolved it Self into a Comittee of the Whole houfe upon The Recommitment of the Bill for The better preventing The Infurrections and Confpiracies of Negro's and other Slaves, And after Some Time Spent Therein M[r] *Speaker* Refumed The Chair and M[r] *Randolph* Reported from The Said Comittee That They had gone through The Bill and Made Several Amendments Therein, Which he Delivered in at The Table, where Being Twice Read

After a Debate, upon The Queftion put, They were agreed to

Ordered That The Bill, with the Amendments be Engroffed

M[r] *Holloway* Reported That The perfons Appointed (had according to order) prepared an Addrefs of Thanks to The Governor which he Read in his place And Then Delivered in at the Table Where The fame was again Read and ordered to lie upon the Table.

M[r] *Thomas Godwin* Moving for Leave to go into The Country upon Extraordinary Occafion, Leave is Accordingly given him—

Ordered That he Attend The Service of The houfe again on *Wednefday* Morning next

And Then The houfe Adjourned Till *Munday* Morning Ten a Clocke—

Munday November 27th 1710

MR. *Randolph* Reported That The Comittee of propofitions and Grievances had (according to Order) prepared two Bills Which he prefented to The houfe and The fame being Received

A Bill for Raifing a Publick Revennue for The Better Support of The Government of her Majeftys Colony & Dominion of *Virginia* Was Read The firft Time and ordered to be Read a fecond Time.

A Bill Appointing a Treafurer Was Read The firft Time And ordered to be Read a Second Time.

An

An Engroſſed Bill Entituled *an Act to Diſſolve The pretended Veſtry of The pariſh of* Accomack *in the County of* Accomack *And to Appoint An Election of Veſtry Men to be Made* was Read The Third Time

Reſolved That The Bill do paſs

An Engroſſed Bill Entituled *An Act for The better preventing The Inſurrections and Conſpiracys of Negros & other Slaves* was Read The Third Time,

And after a Debate, upon The Queſtion put

Reſolved That The bill be Rejected

Two Written Meſſages from The Honble The Liev^{t} Governor by Mr *Robertſon*

Mr Speaker *and Gentlemen of The houſe of Burgeſſes*

Your Ready Concurrence to The Impoſition Bill, which you Lately Sent up, does not only pleaſe me, but alſo Excite My Endeavours to promote as much as in me Lies The Intereſts of This Colony; And I ſhould Think it a failure in The Duty Incumbent on me in that particular Should I Suffer you to Make a Step Which I Judge May be Diſtaſtfull to That over Ruling power, on Which (next under God) Depends The proſperity of This Country

Wherefore give me Leave to Tell you That I fear The high Duty Intended on Negro ſlaves May be Interpreted as a prohibition of That Trade Which her Majeſty is gratiouſly pleaſed to Countenance, as you may perceive by ſuch her Royal Inſtructions which I now ſend you; and I hope it may not be yet too Late for you to make Some amendments That may ſhew you bear a Juſt Deference to her Majeſtys Moſt Gracious Recommendations. and The Diſtinction you Make in the aforeſaid Bill between *Virginia* and *Britiſh* owners, is not to be Juſtifyed by any Parallel Inſtance in *Great Brittain*; where a *Virginian* pays no higher Dutys Than a Native of That Kingdom and both perſons Enjoy Equally The ſame priviledges in all points. Beſides her Majeſty has been pleaſed Expreſſly to Declare That one of ye Reaſons for Repealing a Late Law, was Becauſe by a Clauſe Therein The Owners of Veſſells of The Kingdom of *Great Brittain* Were to pay more Than The *Virginia* Owners

November 27th 1710 *A Spotſwood*

Mr Speaker *and Gentlemen of The Houſe of Burgeſſes*

At the Beginning of This Seſſion, I did in order to Redreſs The Grievances of Some petitioners Recommend to Your Conſideration The Diviſion of Several Countys in This Neck And The propoſition I Then Made was not Inconſiderately Sent Down to you, but grounded both on my own perſonal obſervations and on The opinion of The whole Council

However you have thought fitt to Reject That Propoſition Without Ever Vouchſafing in any Manner of Way to Inform me of Your objections to it: and now you Send up a Bill for Dividing ſome Countys in The Northern Neck according to a ſcheme projected in your houſe—

Wherefore Since I perceive my Referring Such Diviſions to your Conſideration is not Taken for a favourable Condeſention (which I am not obliged to) I think it high Time to give you Such an anſwer as you may find upon your Journals in The Year 1684 when Your houſe preſented a Bill Aſcertaining The Bounds between *Warwick* & *York* Countys

And now Telling you That I ſhall Appoint and Authorize fit and unconcerned perſons to Settle The Bounds Between *Northumberland* and *Lancaſter* Countys, I Expect That you forbear for The future to Begin upon the Dividing of Either Countys or pariſhes untill her Majeſty ſhall be graciouſly pleaſed to yield up That Branch of her Royal Prerogative into Your hands.

November 27: 1710 *A Spotſwood*

The Said Meſſages Were Read and ordered to lie upon ye Table

A Petition of *Henry Cary* being Referred by The Council to the Conſideration of This houſe was Read, praying his full Sallary for Being Overſeer to The Building of The Governors houſe.

Ordered

Ordered That The Conſideration of The Said petition be Referred to The Comittee for Publick Claims to Examine The Subject Matter Thereof and Report The Same with Their opinion Thereon to The houſe.

Mr *Burwell* Moving for Leave to be Abſent from The Service of The houſe Upon Extraordinary Occaſion leave is Accordingly given him.

A Bill for Setling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon Was Read The Second Time

Ordered That The Said Bill be Engroſſed

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke—

Tueſday November 28th 1710

MR. *Randolph* Reported That The Committee of propoſitions and Grievances had (According to order) prepared a Bill to ſett free *Will* a Negro Belonging to *Robert Ruffin*, which he preſented to the houſe and The ſame being Received was Read the firſt time and Ordered to be Read a Second Time

The petition of *Robert Ruffin* being Referred by The Council to The Conſideration of This houſe was Read, Setting forth That he had been offered a greater Sume Than is given him by The ſaid Bill in Conſideration of the Said Negros freedom &c.

Ordered That Mr *Simmons*, Mr *Merriwether*, Mr *John Robinſon* and Mr *Eskridge* Examine the Said *Ruffin* upon The Allegations in his petition and make Report Thereof to The houſe upon The ſecond Reading of The Said Bill.

A Bill for Raiſing a publick Revennue for The Better Support of The Government of her Majeſtys Colony and Dominion of *Virginia* Was Read The Second time

Ordered That The Said Bill be Engroſſed

The houſe proceeded to Take into Conſideration The Meſſage from The Governor Relating to The high Duty on Negro Slaves in The Impoſition bill, and Thereupon

Ordered That The Comittee of Propoſitions and Grievances (according to The Directions of this houſe) Make a Suitable Anſwer to the ſaid Meſſage in the Addreſs allready ordered to be, by Them prepared.

A Meſſage from The Council by Mr *Robertſon*, That The Council have paſſed a Bill Entituled *An Act for the further Reſtraint of Tippling houſes and other Diſorderly Places*, to Which They Deſire The Concurrence of This houſe Alſo That The Council have Agreed to The Bill Entituled *An Act to Enable* Elizabeth Harriſon *Widow and adminiſtra'x of* Benjamin Harriſon *Late of The County of* Charles City *Gent Decd to Sell Certain Lands and Slaves Late the Eſtate of The Said* Benjamin, *for payment of the Debts of the Said* Benjamin, Without any Amendments

An Engroſſed Bill from The Council Entituled *an Act for the further Reſtraint of Tipling houſes and other Diſorderly places* Was Read The firſt time and ordered to be Read a Second Time.

A Bill Appointing a Treaſurer was Read The Second Time

Ordered That the Bill be Engroſſed

A Bill for finiſhing a houſe for The Governor of this Colony and Dominion was Read The Second Time and ſome amendments being Made Therein and Twice Read

After a Debate upon The Queſtion put

Ordered That The Bill with The amendments, be Engroſſed

The houſe proceeded to Take into Conſideration The Addreſs to The Queen And The ſame being Read, was Agreed to and is as followeth

To Her Moſt Sacred Majeſty Anne *by The Grace of God Queen of* Great Brittain France *and* Ireland *Defender of The faith &c.*

The Humble Addreſs of The Burgeſſes of The Colony of Virginia

Moſt Gratious Sovereigne

Wee Your Majeſtys moſt Loyal and Obedient Subjects The Burgeſſes now aſſembled in Your Royal Capitol of this your Majeſtys Great and Moſt Antient Colony and Dominion

Dominion of *Virginia*, do in all humility befeech your Majefty to Accept our Sincere and humble Thanks for Your Many Bountifull and Gracious favours beftowed on your Subjects of This your Colony

Wee Shall not pretend to Enumerate The Particulars Nor Can Wee Without The higheft Ingratitude omit Mentioning Thofe Lately Communicated to us by Your Majeftys Lievt Governor *Alexander Spotfwood* Efqr who hath Acquainted us With Your Majeftys Royall Inftructions to him wherein you have afferted to Your Subjects here Their Legal Rights and propertys by Allowing Them The Benefit of The *Habeas Corpus* Act, That You have Ordered him to Appoint Courts of Oyer and Terminer Whereby Juftice will be Expedited to the Innocent and The Criminal And That you have Lately Pioufly Beftowed on The Colledge of This Country a very Royal Donation, for all which Moft Gratious favours our poftcrity as well as wee muft With Gratitude to The Allmighty and your Royal Self Render our unfeigned and hearty Acknowledgements

May it Pleafe Your Majefty if any Thing Can add to The Pleafure wee Receive by Thefe Your Royal favours, it is The perfon by whom They are Communicated our Lievt Governor A Perfon Equal in Temper, Difcerning in Inquiry, Wife and Steady in Judgment Capable to Govern and advife us at home in peace, and to Lead us out and Command us in Time of Warr In appointing whom to prefide over us your Majeftys Wifdom is Demonftrated by Whofe Adminiftration under your Majefty we do not Queftion Continuing as we now are an Eafy and happy people.

To Which End May The Almighty God preferve your Majefty on The Royal Throne of Your Anceftors, and profper your Arms, That his Glory, Your Majeftys Honour, and The General Good of Your people may be Advanced

Ordered That The Said Addrefs be fairly Tranfcribed and Signed by Mr *Speaker* and Every Member of The houfe

The houfe proceeded to Take into Confideration The Addrefs to The Governor upon The Refolution of This houfe on The firft Day of this Month And The fame being Read was with Some Amendments Agreed to by The houfe and is as followeth

To The Honble Alexander Spotfwood *Efqr her Majeftys Lievt Governor of* Virginia.
May it pleafe Your Honour

Wee her Majeftys Moft Loyal and Dutifull Subjects The Burgeffes of This her Majeftys Moft Antient Colony and Dominion now Affembled Do in Behalf of our Selves and Thofe we Repref ent Humbly Begg leave to Affure your Honr That Wee moft heartily Congratulate your Safe Arival to This Government

Wee Befeech Your Honour to Accept our unfeigned and humble Thanks for The Many favourable Expreffions in Your Speech at The Beginning of This Affembly And Particularly for Communicating Therein to us Many Late favours beftowed on This Colony by our moft Gratious Sovereign, And That you Therein Affure us you will Continue fo to Do With pleafure when her Majefty fhall be farther Bountifull to us. for Which Late favours of our moft Gratious Sovereign *Viz*t her Inftruction to your Honour Wherein her Majefty is Gratioufly pleafed to Expref s her Self above all Things Defirous That all her Subjects may Enjoy Their Legal Rights and propertys And to give her Royal Commands about The *Habeas Corpus* Act and Courts of Oyer and Terminer Whereby The Innocent will be Relieved from Tedious Imprifonment And The Guilty Sooner Brought to Conviction and Punifhment and More Efpecially for her Royall and Pious Donation to The Colledge of this Colony

Wee have According to The Beft of our Mean Capacitys prepared and paffed an humble Addrefs to her Moft Sacred Majefty to Expref s our Sincere Thanks and Gratitude for The prefenting of Which Addrefs to her Majefty We do not Doubt Your Honours favourable Affiftance

And Wee Begg leave farther to Affure your Honour That We Believe it our Intereft as well as Duty to pray for Your health and Continuance in This Government.

Ordered That The Said Addrefs be forthwith fairly Tranfcribed and Signed by Mr *Speaker*

Refolved

Reſolved That The Said Addreſſes be preſented to the Governor by The Whole houſe

Ordered That The Members That prepared The Said Addreſſes do know The Governors pleaſure when he Will be Attended by This houſe

Upon a Motion Made

Ordered That The houſe be Called over to Morrow at Eleven a Clock

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke

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Wedneſday November 29th 1710

A BILL to Sett free *Will* a Negro Belonging to *Robert Ruffin* was Read The Second Time, And Thereupon Mr *Simmons* (according to order) Reported The proceedings of The perſons Appointed to Examine The Allegations of The Said *Ruffins* Petition, And Then an amendment being made in The Bill and Twice Read.

Ordered That The Bill, with The Amendment, be Engroſſed.

The houſe According to Order was Called Over And The Abſence of Thoſe Members That did not Appear Excuſed.

A Meſſage from The Honble The Lievt Governor by Mr *Robertſon*

That The Governor is Ready in The Council Chamber to Receive The Addreſſes Mentioned in The Meſſage Yeſterday from This houſe.

The houſe Went to Attend The Governor, And Being Returned Mr *Speaker* Acquainted The Houſe That he had preſented The Addreſſes to The Governor, And That The Governor Said he Would by The firſt Oppertunity Tranſmit That to her Majeſty and Did not Doubt but it Would be very Acceptable to her

Mr *Buckner* from The Comittee for publick Claims Reported That The Said Comittee had (according to order) Conſidered the Article in *Henry Carys* Account for Sallary With his petition Thereto Relating And Therein had Come to a Reſolution Which he Read in his place and Then Delivered in at The Table, where The ſame was Again Read and ordered to lie upon The Table

Ordered That Colonel *Richard Lee* do Make up an Account of The Duty Ariſeing on Liquors and Slaves in *Potomack* Diſtrict from The fourteenth Day of *July* 1707 to The Time The Act Laying Thoſe Dutys Expired, That he Make Oath thereto before ſome Juſtice of peace for The County Where he lives and Deliver The ſame to Mr *Allerton* or Mr *Eskridge* and That he pay The Mony Due on ſuch Account to The perſon That ſhall be Appointed Treaſurer of *Virginia*

An Engroſſed bill from The Council Entituled *An Act for The further Reſtraint of Tipling houſes and other Diſorderly places* Was Read The Second Time, and ordered to be Read a Third Time

Mr *Allerton* Moving for Leave to go into The Country for Recovery of his health, leave is Accordingly given him

An Engroſſed Bill Entituled *An Act for Raiſing a Publick Revennue for The Better Support of The Government of her Majeſtys Colony and Dominion of* Virginia, was Read the Third Time

Reſolved That The bill do paſs

An Engroſſed Bill Entituled *An Act for Setling The Titles & Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon* was Read the Third Time

Reſolved That The Bill do paſs

Ordered That the Comittee of propoſitions and Grievances do Carry to the Council The Bill paſſed on *Munday* Laſt with thoſe paſſed This Day and Deſire Their Honours Concurrence Thereto Alſo That They Carry to the Council The Bill Entituled *an Act for prevention of Abuſes in Tobacco Shipped on freight* and Acquaint Them That The ſame is amended according to the Amendments agreed to

Reſolved

Reſolved That that part of The Governors Speech Relating to The State of The Militia And The Conſultations of Negros be Referred to The Conſideration of The Next Seſſion of Aſſembly

Mr *Randolph* Reported That The Comittee of propoſitions & Grievances (had According to order) prepared An Addreſs to ye Governor Which he Read in his place and Then Delivered in at The Table Where The Same being Again Read Was Agreed unto by The houſe and is as followeth.

To the Honble Alexander Spotſwood *her Majeſtys Liev^t Governor of* Virginia

The humble Addreſs of The houſe of Burgeſſes

Wee her Majeſtys moſt Truly loyal and obedient Subjects The Burgeſſes now met in Aſſembly having Seriouſly Conſidered The Subject Matter of Your Honours moſt Gratefull Speech and of The Several Meſſages Delivered to us This Seſſion, Humbly Take Leave to Repreſent to your Honour, our Several proceedings and Relations Thereupon

Wee thought it ſo Expedient to finiſh The houſe for our Governor That we have prepared a Bill in which we have given her Majeſty fifteen hundred and Sixty pounds for perfecting The ſame: And That it may be The more Commodious & Ornamental for The Reception of Your Honour Wee have Therein given the further Sum of Six hundred Thirty five pounds; Which we humbly hope her Majeſty Will be pleaſed Gratiouſly to Accept

Wee are ſo highly Senſible of her Majeſtys Grace Extended to her people ſo Remote from The Throne, in Securing to Them The Liberty Granted by The *Habeas Corpus* Act, and in ordering Your Honour to Eſtabliſh two Courts of Oyer and Terminer Yearly as alſo of her Royal Bounty to The Colledge: That wee have to ye Beſt of our Capacitys in the moſt humble Manner Addreſſed our Selves to her Majeſty Acknowledging Thoſe moſt gratious favours to her Subjects of This Colony Which Addreſs is Laid before Your Honour.

And That There might be no Obſtruction in Eſtabliſhing The Said Courts of Oyer and Terminer and That all Doubts and Queſtions might be Removed, which ſhould Ariſe on The Interpretation of a Clauſe in *An Act for Eſtabliſhing The General Court and for Regulating and Setling The proceedings Therein*, Menc̃oned in the meſſage from Your Honour dated The Ninth Inſtant: wee have paſſed a Bill Declaring her Majeſtys Prerogative Royal of Granting Comic̃ons of Oyer and Terminer And Conſtituting Such Courts of Record as ſhe ſhall Think fitt; and alſo of Receiving Appeals from The Judgement of The General Court

The Affair of The Militia is of So great Moment, That we muſt begg The Aſſiſtance of your honour ſo well Experienced in Military Affairs, to give ſuch Directions Therein, Agreeable to the Circumſtances of This Country, as may Settle it upon a Better Eſtabliſhment Than it now is Which we have Reſolved to Conſider at our Next Seſſion—

Wee are Sufficiently Apprehenſive of The Dangers Which May Ariſe from The Inſurrection of our ſlaves, to prevent which Effectually The Method propoſed hath been Attended with ſo Many Difficultys. That we have Referred The further Conſideration Thereof to our Next Meeting

As to The propoſal Made by your Honour & Council Contained in a Meſſage for a more Equal Diviſion of The Countys Therein Mentioned, we with Due Regard to the Sentiments of Your Honour and Council Thereon Did humbly Conceive it moſt proper to proceed in Caſes of That Nature, from The Repreſentation of The Inhabitants of The Reſpective Countys. That Their Settlements are Incomodious; being The Accuſtomed method Taken in This houſe

On your Honours Meſſage Signifying to This Houſe The Repealing The *Act for Raiſing a publick Revennue* paſſed Laſt Seſſion of Aſſembly and Recommending The paſſing a New Law: There is a Bill paſſed for Raiſing a Publick Revennue And The Method for Meaſuring Ships, mentioned in The Said Meſſage to be moſt practicable

in

in This Country, is therein preſcribed and we have in That Bill as we ſhall in all others to be paſſed by us, Endeavoured Carefully to avoid Incerting any Thing Which may be Diſagreeable to our moſt Gratious Soveraign

As to That part of The Meſſage which Relates to The Setling Poſts in This Colony, Wee Conceiving The ſame Cannot have the Effect propoſed, Till ſuch Times as poſts are Setled in *Maryland* have Referred The Conſideration Thereof to The Next Seſſion of Aſſembly.

On Conſideration of the Meſſage Concerning The Defence of this Colony againſt Invaſions or Inteſtine Commotions Wee have ordered a Bill to be Brought in to Revive The Act paſſed Laſt Seſſion for Security and Defence of The Country in Times of Danger; And Truſt That by The power to be Veſted in Your Honour Thereby That Law by Your good Conduct, will have The Deſired Effect

And as to The other part of The Said Meſſage Recommending to us The paſſing a Law to Oblige perſons Nominated Sheriffs to do The Duty of That office wee have ordered a bill to be Brought in for That purpoſe

The way we have Taken for Raiſing of Mony by Laying a Duty on ſlaves And Liquors, is what this houſe and former Aſſemblys have long Since thought Leaſt Burthenſome to The people And moſt Agreeable to The Conſtitution of this Government And Wee humbly Conceive The Manner in which it is now Laid, is very much for The Service of her Majeſty, and The Advantage of The people We Repreſent Therefore pray The Bill as it now Lyes before The Counicill, may have your Honours aſſent

Having Now Sr Laid before you our Tranſactions Relating to The Matters aforeſaid, wee humbly Deſire Your favourable Conſtruction and That You will be pleaſed to Comunicate to us Such other Matters as to Your Honour Seem proper for our Conſideration

Ordered That The Said Addreſs be fairly Tranſcribed and Signed by Mr *Speaker*—

Reſolved That The ſaid Addreſs be preſented to The Governor by The Whole houſe

Ordered That The Members That prepared The ſaid Addreſs do Know The Governors pleaſure when he Will be Attended by This houſe—

Mr *Randolph* Reported That The Comittee of propoſitions & Grievances had (According to order) prepared a Bill for Reviving And Continuing *An Act for Security and Defence of the Country in Times of Danger* Which he preſented to The houſe And the ſame being Received was Read the firſt Time & ordered to be Read a Second Time.

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke

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Thurſday November 30th 1710

A WRITTEN Meſſage from the Council by Mr *Robertſon*

Mr Speaker *and Gentlemen of The Houſe of Burgeſſes*—

The Council having Taken into Conſideration The Bill ſent up from your houſe for Laying a Duty on Liquors and Slaves and being Deſirous to Remove all Objections which may be Made againſt ſo good a Law as well as to preſerve That good Correſpondence with your houſe, which is Neceſſary for The Publick Service before They proceed farther on That Bill Think fitt to acquaint you That Complaints have been frequently made By The Traders That The former Impoſition Acts have not Excepted Negro Children, and others Who by Accidental Infirmitys are not to be Sold for So much as The Duty Laid on Them And alſo That no Drawback hath been Allowed for Negros Dying before Sale; Wherefore The Council propoſe That Your houſe will Conſent That a Proviſo be Added to the Bill: That all Such Negros as Either by Reaſon of Their Infancy or Any Accidental Diſabillity happen to be ſold for Leſs Than fifteen pounds ſhall pay no greater Duty Than one Third of What They are Sold for; and That for Negro's Dying before Sale and within Six Weeks after The Importaçon a Drawback of The Whole Duty be Allowed

And foraſmuch as moſt of The Negros Imported from her Majeſtys Plantations are Either Such as are Tranſported for Crimes or Infected with Diſeaſes, the Council

Submit

Submit to the Conſideration of Your houſe Whither it may not be proper That a higher Duty be Laid on Them Than on Negros Imported Directly from *Africa*, Allowing Still The Same Exemptions as above propoſed.

And Becauſe it Will be very Difficult for Merchants to Make Oath to The Contents of Their Casks of Liquors, any otherwiſe Than by Their Invoice That The producing an Invoice and Making Oath to The Truth Thereof may be Allowed as a Sufficient proof of The Contents

And That no Scruple may Remain With Your houſe As to the Amendments propoſed by The Council to This Bill They are Content The ſame be made According to the precedent of The Laſt Impoſition Act *Nov.* 29th 1710

A Meſſage from The Council by Mr *Robertſon* That The Council have paſſed a Bill Entituled *an Act prohibiting Seamen being harboured or Entertained on ſhore*, to which They Deſire The Concurrence of This houſe.

The ſaid Bill was Read The firſt Time and ordered to be Read a Second Time.

A Meſſage from The Honble The Lievt Governor by Mr *Robertſon*

That the Governor is now Ready in the Council Chamber to Receive the Addreſs of This houſe According to The Late Meſſage

The houſe Went to Attend The Governor and being Returned Mr *Speaker* Acquainted The Houſe that he had preſented the Addreſs to The Governor, and That Thereupon he was pleaſed to Say to This Effect—

Mr *Speaker*

The Matters and Expreſſions Contained in This Addreſs as Well as in Thoſe Yeſterday are a Sufficient Teſtimony of our Good Agreement and cannot but be very acceptable to one that deſires nothing more than to keep up a good Correſpondence with yor Houſe & to make you eaſy hoping thereby to be ſo myſelf

The houſe proceeded to Take into Conſideration The Meſſage from The Council This Day, and Thereupon

Ordered That Mr *Holloway* Mr *Eskridge* Mr *Waller*, and Mr *Merriwether* prepare and Bring in proviſo's Suitable to Thoſe parts of The Said Meſſage Which are Agreed unto by This houſe

Mr *Holloway* Reports That They have Accordingly prepared The proviſo's Which he Delivered in at the Table, where they were Read and Agreed to by this houſe

Reſolved—That Leave be given to The Council to Amend The Bill for Laying a Duty on Liquors and Slaves by adding two proviſo's prepared by This Houſe on Conſideration of their Meſſage Relating to The Said Bill which Proviſo's are in The Words following.

"Provided allways and be it hereby Enacted That Nothing in This Act before "Contained ſhall Extend or be Conſtrued to Compell Importer or owner of Any Slave "or Slaves into this Colony at any Time During The Continuance of This Act to pay "the Duty by This Act Impoſed on Slaves for any Negro or other Slave Male or female "Child Which is not or ſhall not be at the time of Importation able to go Alone but "that it ſhall and may be Lawfull for all Such Children to be Imported and Sold here "Without paying The Duty by This Act Impoſed or any part Thereof any Thing before "in This Act Contained to the Contrary Notwithſtanding

"Provided alſo That if by Virtue of This act a Duty be paid by the Importer, for "any Negro or other Slave and Such Negro or Slave happen to Dye Within forty Days "next after the Day of his or her Arrival into Any port of This Colony and be not "Actually Sold it ſhall and may be Lawfull in Such a Caſe to and for The Collectors to "whom The Said Duty ſhall be paid and Such Collector is hereby Required and In"joyned to allow and pay Back to The Said Importer the Duty paid for Such Negro "or Slave in Caſe The Importer Making Demand of Such Drawback make Oath before "The Said Collector That the Said Slave did Dye Within The Said forty Days and Was "not Sold before his or her Death but not unleſs Such Oath be Made any Thing in "This Act to The Contrary or ſeeming to the Contrary Notwithſtanding.

Reſolved

Reſolved That giving Leave to The Council to make The amendment aforeſaid (which is to Leſſen The Dutys Impoſed by The houſe) ſhall not be Drawn into Conſequence at any Time hereafter ſo as to be made a preſident for The Council to Deſire leave to amend a Mony Bill in any other Manner Than by Leſſening the Duty Impoſed.

An Engroſſed Bill from The Council Entituled *An Act for The further Reſtraint of Tipling houſes and other Diſorderly places* was Read The Third Time

Reſolved That The Bill do paſs

A Meſſage from The Council by M[r] *Robertſon*, That the Council have Agreed to The Bill Entituled *An Act for Eſtabliſhing County Courts for Regulating and Setling The proceedings Therein and Directing The Manner of granting probats of Wills and Adminiſtration of Inteſtates Eſtates and for Appointing Rowling houſes and publick Landings* With Some amendments to Which They Deſire The Concurrence of This houſe

Alſo That the Council have paſſed The Bill, Entituled *an Act for prevention of Abuſes in Tobacco Shipped on freight* as Amended

Upon a Motion Made

Ordered That The houſe be Called over to Morrow at Eleven a Clock

An Engroſſed Bill Entituled *An Act to Set free* Will *a Negro Belonging to* Robert Ruffin was Read The Third Time

Reſolved That The Bill do paſs

Ordered That M[r] *Eskridge*, M[r] *Dudly*, M[r] *William Harwood* M[r] *Tarpley* M[r] *Hardyman* and M[r] *John Bolling* Do Carry The Said Bill to The Council and Deſire Their Concurrence Thereto Alſo that they Carry to The Council a Copy of The firſt Reſolve of of This houſe Made on The Councils Meſſage This Day as an Anſwer to The Said Meſſage.

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke.

Fryday December The firſt 1710

MR. *Chriſtopher Robinſon* Reported That The Comittee appointed had according to order prepared a Bill for Setling and Aſcertaining Attorneys, Secretarys, County Court Clerks Sheriffs and Conſtables ffees and preſcribing an Oath for an Attorny which he preſented to The houſe and The ſame Being Received and Read The firſt Time was ordered to be Read a Second Time

A Bill for Reviving An[d] Continuing *An Act for Security and Defence of The Country in times of Danger* Was Read The Second Time

Ordered That The Bill be Engroſſed

An Engroſſed Bill from The Council Entituled *An Act prohibiting Seamen being harboured or Entertained on ſhore* was Read The Second time and ordered to be Read a Third Time

The houſe According to Order was Called over and Thereupon

Ordered That M[r] *Ballard* and M[r] *Barbar* be not Admitted to Take Their places in The houſe Till They have made Their Excuſes for not Attending (According to Their Duty) at The Calling over The houſe, of which The Meſſenger is ordered to give Them Notice

The houſe proceeded to Take into Conſideration The amendm[ts] propoſed by the Council to The Bill Entituled *an act for Eſtabliſhing County Courts for Regulating and Setling The proceedings Therein and Directing The manner of granting Probats of Wills and Adminiſtration of Inteſtates Eſtates & for Appointing Rowling houſes and Publick Landings* and The ſame being Read were Agreed unto by The houſe and Made in The Bill.

A Written Meſſage from The Hon[ble] The Liev[t] Governor by M[r] *Robertſon*

M[r] Speaker *and Gentlemen of The houſe of Burgeſſes*—

Your Late Addreſſes to me Render So Sattisfactory an account of your proceedings And Denote So good An Agreement between us That I Rejoyce to See this Seſſion Tending to an happy Concluſion: And foraſmuch as I obſerve in Your houſe a general Diſpoſition

Diſpoſition to Some Receſs from Theſe publick Affairs, I ſhall not at preſent Charge you With New Matter; but only Recommend to You two petitions Lying before You *Viz*ᵗ The one for Rebuilding The pariſh Church of *Bruton* and The other for The funeral Expences of Governor *Nott*, They Neither of Them need my Arguments to Set forth The Reaſonablenefs of Their Requeſt, and as a Demonſtration That I my Self am Convinced Thereof, I Offer at my own proper Charge to Build the Governors Seat, when The Country Shall have Enabled the pariſhioners to Enlarge Their Church

A Spotſwood

Ordered That The Meſſage lie upon The Table

The petition of *John Clayton* and *William Robertſon* Gent. Attornys of Mʳˢ *Suſanna Leighton* Siſter and Executrix of Colᵒ *Edward Nott* Decᵈ Late Goverʳ of This Colony, Referred by The Council to The Conſideration of This houſe, was Read praying That The Eſtate of The Said Colonel *Nott* may not be Burthened with The payment of his funeral Charges &c.

Ordered That The petition Lye upon The Table.

Mʳ *Ballard* and Mʳ *Barber* having Excuſed Their abſence at the Calling over The houſe This Day, were admitted to Take Their places in The houſe.

The houſe proceeded to Take into Conſideration the petition of The Veſtry of *Bruton* Pariſh and The ſame being Read praying a Contribution to Build a Church in The Said pariſh

After a Debate, upon The Queſtion put

Reſolved That a Sume of Mony be Contributed Towards Building a Church in *Bruton* pariſh, for The Better Reception of Strangers During The Sitting of The Aſſemblys and Genˡˡ Courts.

Ordered That Mʳ *Holloway*, Mʳ *Merriwether*, and Mʳ *Robert Bolling* do at Some Convenient Time Wait upon Mʳ Secretary *Jenings* one of The Veſtry of That pariſh, and acquaint him with the Said Reſolution and That This houſe Expects The Said Veſtry will Lay before Them a Draught of Such a Church As They propoſe to Build for The uſe of The pariſh only as alſo a Draught of Such other Church as is by them propoſed to be built if The General Aſſembly Contribute Thereto; With an Eſtimate of The Charge in Building Such Churches.

The houſe proceeded to Take into Conſideration The Report of The Comittee of Publick Claims upon The article for Sallary in *Henry Carys* Account of Diſburſements Upon The publick Buildings

And after a Debate; The Queſtion was put

That The Report of The Said Comittee be Agreed to

Reſolved in The Affirmative, and Thereupon

Reſolved That There be paid to *Henry Cary* the Sume of Three hundred Eighty five pounds Twelve Shillings and Eleven pence *ſterling* out of the publick Monys in The hands of Mʳˢ *Elizabeth Harriſon* Admr̃x of the goods and Chattles of Mʳ *Benjamin Harriſon* late Treaſurer of *Virginia*

The houſe proceeded to Take into Conſideration The Report of The Comittee for publick Claims upon The Account of Mʳ *Micajah Perry* and Company and The ſame being Agreed unto by The houſe

Reſolved That There be paid Unto Mʳ *Micajah Perry* and Company The Sume of two hundred pounds Nineteen Shillings and Sevenpence *Sterling* out of The publick Monys in The hands of Mʳˢ *Elizabeth Harriſon* Admr̃x of the Goods and Chattles of Mʳ *Benjamin Harriſon* late Treaſurer of *Virginia*

The houſe proceeded to Take into Conſideration The Report of The Comittee Appointed to Examine The Treaſurers Accounts Made upon The petition of Mʳˢ *Elizabeth Harriſon* Complaining of a Miſtake in The Settlement of The Said Accounts and The Said Report being Agreed to

Reſolved That The Said Accounts are Truly Stated.

And Then The houſe Adjourned Till to Morrow Morning Ten a Clocke—

Satturday

Satturday December The Second 1710

MR. *Merriwether* Moving for Leave to be Abſent from the ſervice of the houſe on *Munday* Next, Leave is Accordingly given him

Mr *Randolph* Reported That the Comittee of Propoſitions and Grievances had (According to order) prepared a Bill to Oblige perſons Appointed Sheriffs to perform The Duty of That office, Which he preſented to The houſe and the Same being Received, was Read the firſt Time and ordered to be Read a Second Time

The petition of Mr Secretary *Jennings* Was Read praying That he may have Liberty of Offering Reaſons againſt part of The Bill Entituled *An Act for Setling and aſcertaining Attornys, Secretarys, County Court Clerks, Sheriffs & Conſtables ffees and preſcribing an Oath for an Attorny*, before The Said Bill do paſs,

Ordered That The Second Reading of the Said Bill be Referred Till The Next Aſſembly, and that then Mr *Secretary* have Leave to Offer his Reaſons According to the prayer of his petition

An Engroſſed Bill from The Council Entituled *an Act prohibiting Seamen being harboured or Entertained on Shoar* was Read the Third Time

Reſolved That the Bill do paſs.

An Engroſſed Bill Entituled *An Act for Reviving & Continuing An Act for Security and Defence of The Country in times of Danger* was Read The Third Time

Reſolved That The Bill do paſs

A Meſſage from The Council by Mr *Robertſon* That The Council have paſſed The Bill Entituled *an act for Laying a Duty on Liquors and Slaves*, With The Amendments Agreed to by This Houſe.

Alſo, That The Council have Agreed to The Bill Entituled *an Act for Raiſing a Publick Revennue for The Better Support of The Government of her Majeſtys Colony and Dominion of* Virginia Without any Amendments

An Engroſſed Bill Entituled *An Act for finiſhing a houſe for The Governor of This Colony and Dominion* was Read The Third Time

Reſolved That The Bill do paſs.

An Engroſſed Bill Entituled *an Act Appointing a Treaſurer* was Read The Third Time

Reſolved That The Bill do paſs

Ordered That Mr *Chriſtopher Robinſon*, Mr *Tarpley*, Mr *Conway*, Mr *Ball*, Mr *Bird* and Mr *Gray* do Carry to the Council The Bills This Day paſſed the houſe, and Deſire Their Concurrence Thereto

Alſo That They Carry to The Council The Bill Entituled *An Act prohibiting Seamen being harboured or Entertained on ſhore*, And The Bill Entituled *An Act for the further Reſtraint of Tipling houſes and other Diſorderly places*—And Acquaint Them That This houſe have Agreed to The ſaid Bills without Any Amendments

Alſo That They Carry to The Council The Bill Entituled *an Act for Eſtabliſhing County Courts and for Regulating and Setling The proceedings Therein*, And Acquaint them That The ſame is Amended according to The amendments by Them propoſed.

And Then The houſe Adjourned Till *Munday* Morning Ten a Clocke—

Munday December 4th 1710

A BILL to Oblige perſons Appointed Sheriffs to perform The Duty of That office was Read The Second Time,

And after a Debate, The Queſtion was put

That the Bill be Engroſſed

It paſt in The Negative, and Thereupon

Reſolved That The Bill be Rejected

Mr *Buckner* from The Comittee of Publick Claims Reported That The Said Comittee had Taken into Conſideration The Several Claims to Them Referred and Therein had

had Agreed upon Several Reſolutions which They had Entered into a Book Called The Book of Reports of The Comittee for Publick Claims, which he preſented to The houſe and The ſame being Received, The houſe proceeded to The Conſideration Thereof and The Same was Agreed unto by The houſe With Some Amendments Which were made Therein

Mr *Ballard* and Mr *Hawkins* Severally Moving for Leave to be Abſent from The Service of The houſe upon Extraordinary Occaſion, Leave is Accordingly given Them

Mr *Stannup* Moving for Leave to be Abſent from The Service of The houſe Till to Morrow Twelve a Clocke, Leave is accordingly given him

Ordered That The houſe be Called over to Morrow Ten a Clock in The Morning

And Then The houſe Adjourned Till to Morrow Morning Nine a Clocke.

Tueſday December 5th 1710

MR. *Neale* Moving for Leave to go into The Country [for] Recovery of his health Leave is Accordingly given him

Mr *Holloway* Moving for Leave to Bring in a Bill for Supply of Certain Defects found in an Act Preſcribing the Method for Appointing Sheriffs, and Leave being Accordingly given him he preſented The Said Bill to The houſe and The ſame was Received and Read The firſt Time

Ordered That The Bill be Read a Second Time

And The Bill was accordingly Read The Second Time, and Some Amendments being made Therein and Twice Read—

Ordered That The Bill, With The Amendments, be Engroſſed.

Mr *Holloway* Reported That The perſons appointed had according to order Acquainted The Veſtry of *Bruton* Pariſh With the Reſolution of This houſe for Contributing Towards Building a Church in The Said Pariſh, and That The Said Veſtry Promiſed They would Appropriate Such a Sume of Mony, as This houſe Should Think fitt to Contribute, to no other uſe Than in providing Room and Conveniencys in The Said Church for The Governor Council and Burgeſſes

Reſolved That The Sum of two hundred pounds be Appropriated for The uſe aforeſaid

Ordered That Mr *Holloway*, Mr *Chriſtopher Robinſon*, Mr *Eskridge*, Mr *Robert Bolling*, Mr *Epes* Mr *Tarpley* Mr *Soane* and Mr *Curle* Do Wait on The Governor and acquaint him with The Reſolution of This houſe, and Deſire That he Will pleaſe to Take The Said Sum into his hands and Diſpoſe Thereof as he ſhall See occaſion for The purpoſes afore Directed.

Mr *Holloway* Reported That They had Accordingly Waited on The Governor And Acquainted him Therewith, and That he was pleaſed to Say, That he had never yet been Concerned in buiſneſs of That Nature, but That Nevertheleſs he would Take it upon him, and Endeavour That The Deſire of This houſe Therein ſhould be Complyed with

Reſolved and Accordingly *ordered*

That There be paid unto The Honble the Lievt Governor The Sum of two hundred pounds *Sterling* out of the Monys That ſhall Ariſe from The Duty upon Liquors and Slaves, to be by him Diſpoſed off Towards the Building a Church in *Williamſburgh* And for Making Conveniencys Therein for the Governor Council and Burgeſſes.

Ordered That the perſons who Went on The Meſſage to The Governor, do Carry a Copy of The Said Reſolve to The Council, and the other Reſolves of This houſe for payment of Mony, and Deſire Their Honours Concurrence Thereto

The houſe (According to order) was Called over and the Abſence of Thoſe Members That Did not Appear Excuſed

The

The houſe proceeded to Take into Conſideration The petition of *John Clayton* and *William Robertſon* Attornys of M^rs *Suſana Leighton* Siſter and Execut^rx of Colonel *Edward Nott* Deceaſed Late Governor of This Colony praying That They May be Allowed his funeral Charges &c.

Reſolved That the petition be Rejected

A Member of the houſe Moving for Leave to bring in The petition of *William Randolph* Junr Leave is accordingly given him, And The ſame Was Read praying That he may be paid in Mony for his Attendance this Aſſembly as Clerk to the houſe of Burgeſſes

Reſolved That the Several officers Attending This Aſſembly be paid Their Reſpective Sallarys in Mony

Reſolved That The Several perſons who Have been Keepers of The Publick Goal Since The Laſt Aſſembly be paid Their ffees for Dieting The Priſoners &c. in Mony.

A Member of The houſe Moving for Leave to bring in The Petition of Mr *C. C. Thacker* Leave is accordingly Given him and the ſame Was Read Praying That he may be Allowed Mony for The Tobacco Due to him from The Publick

Reſolved That The petition be Rejected

Reſolved That The Tobacco for Which mony is to be Allowed, be Rated at Eight Shillings ℔ Cent

The houſe proceeded to Take into Conſideration The Allowances for The Reſpective Officers That have attended This Seſſion of Aſſembly, and the Said Allowances being Agreed on by The houſe were added to The Book of Publick Claims.

A Meſſage from The Council by Mr *Robertſon* That The Council have Agreed to The Bill Entituled *An Act to Set free* Will *a Negro Belonging to* Robert Ruffin without any amendments

Alſo That The Council have Agreed to The Bill Entituled *An Act for Setling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon* With Several Amendments to Which They Deſire The Concurrence of This houſe

Alſo That The Council have paſſed The Bill Entituled *an act for Eſtabliſhing County Courts and for Regulating and Setling The proceedings Therein* as Amended.

An Engroſſed Bill Entituled *An Act for Supply of Certain Defects found in an Act preſcribing The Method for appointing Sheriffs* was Read The Third Time

Reſolved That The Bill do paſs

Ordered That The Comittee for Publick Claims do Carry The Said Bill and Book of Claims to The Council and Deſire Their Concurrence Thereto.

The houſe proceeded to Take into Conſideration The Amendments propoſed by The Council to The Bill Entituled *An Act for Setling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon* And the ſame being Read Were agreed unto by the houſe and made in The Bill

And Then The houſe Adjourned Till to Morrow Morning Nine a Clocke

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Wedneſday December 6th 1710

A WRITTEN Meſſage from The Honble The Liev^t Gover^r by Mr *Robertſon*

Mr Speaker *and Gentlemen of The Houſe of Burgeſſes*—

By an Addreſs of Your Houſe preſented me This Seſſion I am told That The Stop put to Granting Patents for Land in The Uſual Manner is not only Inconvenient to Diverſe Inhabitants of This Colony—but alſo repugnant to their Charter And Antient Priviledges; Beſides Leſs Serviceable to the Crown, and Leſs Beneficial to the Country

In Anſwer to Theſe Repreſentations I firſt Aſſure you That I Impoſe no Other Condic̃ons in the Granting Lands Than What her Majeſty Coñands me to Enjoyn; and

and in the Next place I Say That her Royal Inſtructions to me in That Behalf are More Conformable to The Terms of The Charter And to The Antient Conſtitutions of This Colony Than That Practice Which has of Late years been here Tolerated; for Seeing Theſe are The very Individual Words of That part of The Charter Which Relates to The Granting New Lands *Viz*ᵗ

"And we do hereby of our further Grace and favour Declare and Grant That for "the Encouragement of Such our Subjects as Shall from Time to Time go to Dwell "in The Said plantation There ſhall be Aſſigned out of The Lands (not Already Appro-"priated) to Every perſon So Coming to Dwell fifty Acres According as hath been uſed "and Allowed Since The firſt Plantaĉon to be held of us our heirs or Succeſſors as of "our Manner of Eaſt *Greenwich* in our County of *Kent* in free and Coñon Soccage

I do not Conceive with what Shadow of Reaſon Such Words Can be Expounded to Mean That yᵉ Sovereign in Granting Lands ſhall neither Limit The Grant, nor Conſider The Quallification of The Grantee

I have Likewiſe Taken Some pains to peruſe The Records of Former Times And Cannot in The Leaſt Diſcover That Lands Were Ever Granted with any other Intention Than to be Occupied and Cultivated; but on The Contrary I find That all Inſtructions orders and Letters (Which Treat of Land) Enjoyn The Planters and Tennants to Manure and Improve Their Lotts.

I obſerve alſo that, untill This Colony Came into The Liberall hands of The Monarch Lands were much more Sparingly Diſtributed, and Twenty five or Thirty Acres Were Then judged to be a Sufficient Dividcnt for one Man; Nay, and an Additional Quantity of Ten Acres has been Thought a great Reward for Some Publick Services,

Old Records May perhaps Mention Patents Containing Larger Tracts of Land Than the Grantees Could pretend to Cultivate; but in The Year 1662 You May find That Practice was not only highly Condemned, but was alſo The Occaſion of The Revoking Many Grants. and Since his moſt Sacred Majeſty (*Charles* II) Did Then Declare That The Granting Greater Quantitys of Land Than People were able to Occupy and Cultivate, had Turn'd to The Great Prejudice of The Colony, and That it was Contrary to the Intentions of his Royal father; I do not See how it Can Reaſonably be preſumed That the Charter (which was afterwards obtained from the Same Prince) ſhould Mean to Eſtabliſh an Abuſe which The Royal Author had allready Exploded.

A Larger Extent of Deſarts Will Little Avail her Majeſtys Intereſts; And if the Encreaſe of Quit Rents be The Service Meant to Accrue to the Crown, Then it May be Anſwered That the full Quit Rents of Land allready Granted Will Make a more Serviceable Augmentation: But you are Senſible her Majeſty Leſſens her Unqueſtionable Dues for The Eaſe of her Subjects here, and Methinks Such an Indulgence Might be a Sufficient Argument to Convince you That her Reſtraining Their Exorbitant Deſires of Land is no Leſs Intended for Their General Welfare

If perſons Can be Allowed to Claim More Land Than They are Able to Occupy, They Keep out Others who Might Seat the Same; And Then it Neceſſarily Follows That Either fewer Grounds, Will be Manured, or The Inhabitants Become More Diſperſt: Neither of Which Conſequences Can I'm Sure Tend to The Advancement of This Colony

In finê I Can only Agree with you in This particular *Viz*ᵗ That at Preſent a great Inconvenience Does fall upon Diverſe People; Which I Shall uſe my utmoſt Endeavour to Remove: And I hope by a Proclamation, That I ſhall Suddenly Iſſue for That Purpoſe, to Content all Reaſonable Minds.

December The 5ᵗʰ 1710 *A Spotſwood*

Ordered That the Conſideration of The Said Meſſage be Referred to the Next Seſſion of Aſſembly.

A Member of the houſe Moving for Leave to Bring in The Petition of *William Randolph* Juñ Leave is Accordingly Given him And The ſame Was Read praying That his fee for a Copy of the Laws of This Aſſembly May be Aſcertained And Thereupon

Reſolved

Reſolved That his fee for Sending a Copy of the Said Laws to Each County in This Colony be one Thouſand pounds of Tobacco.

Ordered That Mr *Eskridge*, Mr *Ball*, Mr *Burwell*, Mr *John Robinſon* Mr *Epes*, Mr *Conway*, Mr *Robert Bolling*, And Mr *Bouſh* do Examine The Several Inrolled Bills With The Engroſſed Bills

The General Account of Colonel *Peter Beverley* Who Was formerly Treaſurer Whereby it appears That the ſame is juſtly Ballanced Paſſed This Houſe.

The General Account of Mr *Benjamin Harriſon* Decd Late Treaſurer Whereby it Appears That There is Due to The General Aſſembly The Sume of Eighteen Hundred Seaventy pounds Ten Shillings five pence half penny. paſſed This houſe.

Ordered That Mr *Buckner*, Mr *Ball*, Mr *Soane* Mr *Waller*, Mr *Bouſh* And Mr *Milner* Do Carry The Said Accounts to The Council And Deſire Their Concurrence Thereto, And That They Deſire The Governor to Give his Aſſent to The Same.

A Meſſage from The Council by Mr *Robertſon* That The Council have Agreed to The following Bills Without any Amendments; to Witt,

A Bill Entituled *An Act for finiſhing a houſe for The Governor of This Colony and Dominion*

A Bill Entituled *An Act Appointing a Treaſurer*

A Bill Entituled *An Act for Reviving and Continuing An Act for Security and Defence of the Country in Times of Danger*, And

A Bill Entituled *An Act for Supply of Certain Defects found in An Act preſcribing The Method for Appointing Sheriffs*

A Written Meſſage from The Council by Mr *Robertſon*

December 6th 1710

By The Honble Council

The Council having Read and Conſidered The Book of Claims and obſerving That The Several Claims from *Surry Iſle of Wight* And *James City* for Apprehending and Guarding The Negro's Concerned in The Late Intended Inſurrection are Diſallowed by The houſe of Burgeſſes as being no Publick Charge, Think Themſelves obliged, before They give their Aſſent to The Said book to Recommend to The houſe The Conſideration of Thoſe Claims The Services for Which They became Due being performed by Orders from the Government And as much for The publick Safety of the Country as any other Service Whatſoever: And They Cannot Conceive it Reaſonable That perſons by Whoſe Dilligence This Inſurrection was happily prevented ſhould be Leſs Conſidered Than if they had Suffered it to Take Effect; Beſides it will prove a very Dangerous Diſcouragement to The Dilligence of The people if They muſt only be paid When There is An Open Rebellion or Inſurrection and have no Conſideration when They Diſcover and Secure the Ringleaders before They have put Their Deſigns in Execution And Since That Conſpiracy Was not Confined to one or two Countys but Was Spread So farr That it Might have Endangered the peace of the Whole Country, The Council Think it highly Reaſonable That the Country in General ſhould bear The Charge of Suppreſſing it And not That particular perſons Or Countys ſhould be Burthened with it: And Therefore Inſiſt That the Several Claims in and about the Said Inſurrection be allowed by the houſe of Burgeſſes According to the Rates Eſtabliſhed by Law for the Like Services

The Council are ſo Well Sattisfyed With the Services performed by *Henry Briggs* With The *Tuſcarruro* and other Indians before and at The Tryal of Some of The Said *Tuſcaruros* who Were Concerned in The Murder of *Jeremiah Pate*, That They are of Opinion he hath Deſerved The Sume of Seven pounds According to his Claim and Therefore Think it Reaſonable That The Same be Allowed.

Amongſt the Claims of *James City*

The Council find That The Claim of *Hugh Norvell* a Jury Man on The Tryal of The *Tuſcaruro* Indians, is Diſallowed, Which They propoſe may be Rectifyed Since it is as Reaſonable That a Jury Man from *James City* County ſhould be paid for his Attendance as one from *New Kent* or any other Place—

And

And They propoſe That the Claim of *John Geddes* for Summoning The Grand and Petty Jury on the Tryal of The *Tuſcaruro* Indians be Allowed him it Being Done for The publick Service and to Which he was not Obliged by The Duty of his Office as Sheriff of *James City* County The Tryal being out of That County.

The Council Recommend to the houſe of Burgeſſes the Allowing the Several Claims from *New Kent* County for Guarding The *Tuſcaruro* Indians And The Other Services about Them And more Eſpecially That *George Clough* Who was at ſo much Trouble to Attend the Courts of Oyer and Terminer for The Tryal of The Said Indians be allowed one Thouſand pounds of Tobacco at Leaſt for That Service.

And on The ſame Occaſion The Council propoſe That Eight hundred pounds of Tobacco Each be Allowed & paid to *Chichley Corbin Thacker* and *William Robertſon* the other Clerks Employed in the ſaid Tryal and That y^e^ ſame be Added to the Book of Claims

In The Laſt page of the Book of Claims as Reported from The Comittee the Council propoſe That the Claim of *Katherine Howard* of four pounds one ſhilling for Dieting Sundry Indians (Which was Diſallowed for Want of proof) May be now Allowed ſhe being An Infirm Woman & unable to Travail to Court to prove her Claim According to Law & having now made oath That The ſame is Juſtly Due.

Which Several Allowances being Made the Council are Willing to paſs The Book of Claims

The houſe Took The ſaid Meſſage into Imediate Conſideration And part of The propoſitions Therein made by The Council, Was Agreed to, And part Diſagreed Unto

Reſolved That a Written Meſſage be ſent to the Council Acquainting Them how farr This houſe have Agreed to The Allowances by Them propoſed to be made to The Book of Claims, and Wherein They have Diagreed; with Reaſons for The Diſagreement.

Ordered That it be Referred to Mr *Eskridge* and Mr *Soane* to prepare and Bring in The Said Meſſage.

And Then The houſe Adjourned Till to Morrow Morning Nine a Clocke

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Thurſday December 7th 1710

MR. *Eskridge* Reported That the perſons Appointed had (according to order) prepared a Written Meſſage to The Council, Which he Read in his place And Then Delivered in at The Table, Where The ſame Was again Read and With Some Amendments Agreed unto by The houſe and is as followeth

By The Houſe of Burgeſſes

The Burgeſſes Now in Aſſembly having Serioufly Conſidered your honours Reaſons, Why The Country in Gener^ll^ ſhould Bear The Charge of Suppreſſing The Late Intended Inſurrection, Cant joyn with Your Honours in Opinion Upon That Matter. but Conceive That Thoſe Charges ought to be Defrayed by The Several Countys Where They became Due, becauſe There is no Law Will Warrant Such Payments if made by the Country, And Where There has been proſecutions of the Like Nature in other parts of This Government, it is obſervable That Thoſe Charges have Always been paid by The Countys Where They grew Due.

The Claim of *Henry Briggs*, And The Claim of *George Clough*, *C. C. Thacker* and *William Robertſon* being Conſidered at the Beginning of This Seſſion, The Burgeſſes did Then Reſolve That The Charge Accruing for Their Services About The *Tuſcaruro* Indians Ought not to be paid by the Publick, and Therefore They Think it not practicable to Recede from Thoſe Reſolutions

The Burgeſſes have Diſagreed to The Allowance propoſed to be Made to *Hugh Norvell* who Served as a Jury man on The Tryal of The *Tuſcarora* Indians That Service not Carrying With it The Same Reaſon for an Allowance, as Thoſe perform'd by The

Venire

Venire from *New Kent* They being Called Seaventy Miles from their own habitations, And The Said *Norvil* was Summoned in The Neighbourhood—

The Burgeſſes are of Opinion That it is the Duty of Every Sheriff to Summon Jurys for The Tryal of Criminals when Thereto Required, and That Such Services have never yet been Rewarded, And Therefore The Burgeſſes Diſallowed The Claim of *John Geddes*, And for The Same Reaſon Rejected The Claim of The Sheriff of *York* for The Like Service at That Time

The Burgeſſes are very Senſible That The Charges of Apprehending Guarding and Impriſoning Criminals are Always Sattisfyed by The Countys Wherein Thoſe Charges Accrue, And Therefore The Burgeſſes Cant Agree to Allow The Claims from *New Kent* County for Guarding the *Tuſcarora* Indians and other Services About Them

The Burgeſſes have Allowed The Claim of *Katherine Howard* for Dieting Several Indians, and Inſerted it in The Book of Claims and do Deſire Your Honours not to Inſiſt Upon Thoſe unuſual Allowances to be Made in the book of Claims, Which They have not Agreed to, but That You will paſs The Said Booke Without Such Allowances *December* 7th 1710

Ordered That the Said Meſſage be fairly Tranſcribed and Signed by The Clerk of this houſe, and That Mr *Eskridge*, Mr *Dudley*, Mr *Soane*, Mr *Drummond*, Mr *Waugh* and Mr *Cary*, do Carry The Said Meſſage to The Council

A Written Meſſage from The Council by Mr *Robertſon*

By the Honble Council

The Council having Conſidered The Anſwer Sent by Your Houſe to Their Meſſage Concerning The Book of Claims, do not find Any Reaſon to Alter Their former Opinions as to The Charges of Apprehending and Securing the Negros Concerned in The Late Intended Inſurrection: and Still Think There is a great Difference between a proſecution of a Negro for a ffellony or Burgiary, and an Inſurrection Which is a Matter of Publick Concernment Beſides if other Countys have been Willing to bear The Inconſiderable Charge of Such Private proſecutions, it Cannot be urged as a precedent for Obliging Other Countys to a far great[er] Expence in Matters of a Different Nature. And Therefore The Councill Still Inſiſt That The Claims from *Surry Iſle of Wight* and *James City* for Securing The Said Negros be allowed and added to The Book of Claims According to Their former Meſſage.

The Council do not Inſiſt on The Claim of *Henry Briggs* and as to The Services performed by *Chichley Corbin Thacker* and *William Robertſon* as Clerks on The Tryal of The *Tuſcaruro* Indians, Since They have Signifyed Their Deſire That no pretentions of Theirs may Delay ye buiſneſs of The Aſſembly The Council do Recede from That part of their former Meſſage Which Concerns Them. But as to The Claim of *George Clough* who was at The Trouble of Coming So farr to Attend The Court of Oyer and Terminer The Council Inſiſt That he be paid for his Service.

The Council do not Inſiſt on The Allowance propoſed to be made to *Hugh Norvell* and *John Geddes*.

The Council Do Still Inſiſt That The Claims from *New Kent* for Apprehending Guarding and Impriſoning The *Tuſcaruro* Indians be allowed they being of a Different Nature from the Caſe of other Criminals; of Which ye Countys are obliged to pay The Charges.

Mr *Robertſon* Acquainted the houſe That The Governor and Council had paſſed The Treaſurers Accounts, and Then he Delivered Them in at The Table

The houſe proceeded to Take into Conſideration The Meſſage from The Council, And The ſame being Read, upon Several Queſtions put

Reſolved That The allowances Inſiſted on by The Council to be made in The Book of Claims, be Agreed to by This houſe

Ordered The the Allowances be Accordingly Made in The Said Book by The Comittee of Publick Claims

Ordered That The houſe be Called over to Morrow Morning at Eight a Cloeke

And Then The houſe Adjourned Till to Morrow Morning Eight a Cloeke

Fryday

Fryday December 8th 1710

THE houſe (According to Order) was Called over and The Abſence of thoſe Members That did not Appear Excuſed.

Mr *Buckner* from The Comittee of Publick Claims Reported That The Said Comittee had (According to order) Made The Several Allowances in The Book of Claims, which were Inſiſted on by The Council to be made Therein, Which allowances being Agreed to

Ordered That the Comittee of Publick Claims Carry The Said Book to The Council and Acquaint Them Therewith, and Deſire That They will paſs The Same

Ordered That The Several perſons to whom Mony Allowances are Made in The Book of Claims, be paid Their Reſpective Allowances in Mony *Sterling* out of The publick Monys in The hands of *Elizabeth Harriſon* Admin^rx of *Benjamin Harriſon* Eſq^r Late Treaſurer of This Dominion.

A Meſſage from The Council by Mr *Robertſon* That The Governor and Council have Agreed to The Book of Claims as it is amended—

A Comittee for Proportioning The Publick Levy *Vi^t*

Mr *Buckner*.....Mr *John Robinſon*

Mr *Soane*.....Mr *John Bolling*

Ordered That The Said Comittee Make proviſion in The Bill for Laying The Publick Levy, to Aſcertain The fee to The Clerk of the Houſe of Burgeſſes for a Copy of The Laws of This Aſſembly

A Meſſage from The Council by Mr *Robertſon* That the Council do Agree to The Reſolves and orders of this houſe for payment of Mony out of The Funds Raiſed and to be Raiſed by The Duty on Liquors and Slaves

Alſo That The Council to prevent all Diſputes That may Ariſe As to The payment of The Remaining Ballance Due from The Admin^rx of The Late Treaſurer have agreed upon a Reſolve to which They Deſire The Concurrence of This Houſe.

The Said Reſolve being Read was Agreed to by The Houſe and is as followeth

Reſolved That all Monys which Mrs *Elizabeth Harriſon* ſhall upon her Oath before The Honourable The Liev^t Governor declare ſhe found in Specie at The Time of her Huſbands Deceaſe or Which has Come to her hands Since and Believes To have Grown Due upon Account of the Impoſitions on Liquors and Slaves, be paid in Caſh at The Rate of Sixteen penny Weight And a half for five ſhillings

Upon a Motion Made

Ordered That The houſe be Called over to Morrow Morning at nine a Clocke, and That Every Member now in Town, which ſhall Then fail in giving his Attendance, be Lyable to the Cenſure of The Houſe.

And Then The houſe Adjourned Till to Morrow Morning Eight a Clocke

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Satturday December 9th 1710

MR. *Buckner* Reported That The perſons Appointed had (According to order) proportioned The Publick Levy, And That it Amounted to Nine Pounds and a Quarter of Tobacco ℔ pole, for The Payment Whereof The Said Comittee had prepared a Bill which he preſented to The houſe Togather With The Book of Proportions, and The ſame were Received

The houſe (According to Order) was Called over

The Book of Proportions was Read and agreed unto by The Houſe

A Bill for Raiſing a Publick Levy was Read The firſt Time, and ordered to be Read a Second Time

And The ſame was Accordingly Read The Second Time and Ordered to be Engroſſed

An Engroſſed Bill Entituled *An Act for Raiſing a Publick Levy* was Read The Third Time

Reſolved That the Bill do paſs

Ordered

Ordered That Mr *John Robinſon*, Mr *John Bolling*, Mr *Soane* Mr *Smith*, Mr *William Harwood*, and Mr *Joſeph Godwin* Do Carry The Said Bill and The Book of Proportions to The Council and Deſire Their Concurrence Thereto.

Alſo That They Carry The Inrolled Bills to The Council for Their Examination and Peruſal

Alſo That They Carry to The Council The Bill Entituled *an Act for Setling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon* and acquaint Them That The ſame is Amended According to The Amendments Agreed to

Alſo That They Acquaint The Council, That This houſe have Agreed to Their Reſolve Relating to The payment of The Remaining Ballance Due from The Admin^rx of The Late Treaſurer

A Meſſage from The Council by Mr *Robertſon* That The Council have Agreed to The Bill Entituled *an Act for Raiſing a Publick Levy*, Without any Amendments

Alſo That The Council have Agreed to The Book of proportions and That The Same is Aſſented to by The Governor.

Alſo That The Council have paſſed The Bill Entituled *an Act for Setling The Titles and Bounds of Lands and for preventing Unlawfull Shooting And Ranging Thereupon*, as amended.

Alſo That The Council, have Peruſed The Several Inrolled Bills Sent to Them by This Houſe, and That They are Sattisfyed The Said Bills are Truly Inrolled

A Meſſage from The Honble the Liev^t Governor by Mr *Roberiſon*

Mr *Speaker*

The Governor Coñands The Imediate Attendance of This houſe upon him in The Council Chamber, and That You Bring with You Such Bills as are Ready for his Aſſent

And Mr *Speaker* With The houſe went to Attend the Governor, Where he was pleaſed to paſs The Several Bills following to Witt.

An Act for Laying a Duty upon Liquors and Slaves.

An Act for finiſhing a houſe for The Governor of This Colony and Dominion.

An Act for Setling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon.

An Act for Eſtabliſhing County Courts and for Regulating and Setling The proceedings Therein

An Act for Raiſing a Publick Revenue for The Better Support of The Government of her Majeſtys Colony and Dominion of Virginia

An Act for Setling and Aſcertaining The Current Rates of Forreign Coins in This Dominion.

An Act for Reviving an[d] Continuing An Act for Security And Defence of The Country in Times of Danger.

An Act for prevention of Abuſes in Tobacco Shipped on Freight

An Act for Supply of Certain Defects found in an act Preſcribing The Method for Appointing Sheriffs.

An Act Appointing a Treaſurer.

An Act to Explain part of An Act of Aſſembly Intituled An Act for Eſtabliſhing The General Court and for regulating And Setling the proceeding. Therein.

An Act to prevent The Deſtroying and Murthering of Baſtard Children.

An Act Prohibiting Seamen being Harboured or Entertained on Shore.

An Act for The further Reſtraint of Tipling houſes and Other Diſorderly places.

An Act to Set free Will *a Negro Belonging to* Robert Ruffin.

An Act for Raiſing a Publick Levy.

An Act to Enable Elizabeth Harriſon *Widow & Adminiſtratrix of* Benjamin Harriſon *Late of the County of* Charles City *Gen^t Dec^d to Sell Certain Lands and Slaves late The Eſtate of The Said* Benjamin *for Payment of The Debts of The Said* Benjamin

299-300

JOURNALL

OF THE

HOUSE OF BURGESSS

AT A

GENERALL ASSEMBLY

Begun at her Majesty Queen ANN'S Royall Capitol the twenty fifth day of *October* In the ninth year of the Reigne of our Soveraign Lady ANNE Queen of *Great Brittain ffrance* and *Ireland* Annoq$_{3}$ Domini 1710 and thence continued by Severall prorogations to the Seventh day of *November* 1711 and in the Tenth year of her Majest^{s} Reigne.

RICHMOND, VIRGINIA.

MCMXII.

JOURNALL

of the

HOUSE OF BURGESSES

Wedneſday November y^e^ 7th 1711

MR. *Speaker* and Thirty Two Burgeſſes being mett in the Houſe
Ordered That the Houſe be called over to morrow Morning—

Thurſday November ye 8th 1711

THE Houſe (according to order) was called over. and thereupon
Ordered That Mr *John Bolling*, Mr *Robert Bolling*, Mr *Cary*. Mr *Merry-wether* and Mr *Allerton* wait upon the Governour and deſire him to iſſue out a new writt for the Electing a Burgeſs to Serve in this Aſſembly for the County of *Henrico* in the room of *William Randolph* Gent. decēd, and that they alſo deſire him to Iſſue out a new writt for the Electing a Burgeſs to Serve in this Aſſembly for the County of *Prince George* in the room of *John Hardyman* Gent. decēd.

Ordered That the abſence of thoſe Members that did not appear at the calling over the Houſe be Excuſed til the next time the Houſe ſhall be called over

A Meſſage from the Hoñ^ble^ the Liev^t^ Govern^r^ by Mr *Robertſon*
Mr *Speaker*

The Governour Commands the imediate Attendance of this Houſe in the Council Chamber. And accordingly the Houſe went to attend the Governour And being returned Mr *Speaker* acquainted the Houſe. That the Governour was pleaſed to make a Speech and that the Same being long he had obtained a Copy thereof which he read and then delivered in at the Table the ſame being as followes.

Gentlemen of the Council and Houſe of Burgeſſ^s^.

That good agreement between us, which your laſt Seſſion happily concluded with makes me meet you now with entire Satisfaction; as not doubting the Continuance of the ſame Harmony in the p^r^ſent Juncture, when our Concurring Reſolutions are ſo abſolutely neceſſary for the immediate protection and Safety of this Colony Few of my predeceſſors have during their whole Adminiſtration been concerned in So many Extraordinary affaires as have lately fallen to my Share—

The Suppreſſing a Civil Warr within a Neighbouring Colony the preparing to withſtand the Attempts of a powerfull fleet, at Sea. and ye providing againſt the mercileſs Incurſions of the Heathen at land, have all been Occurrences of this laſt half year—

As to the firſt undertaking, I think the remembrance of that Diſmall Scene here in 1676 might well Engage this Government to interpoſe in Stopping the Growth of ſuch Inteſtine Commotions.

For

For the Second not only the *Dutch* Expedition in 1673 might be a Leſſon to us. but alſo her Majeſties Sentiments of our danger Expreſſly Signifyed to me with her Royall Commands to keep on our Guard, did Sufficiently authorize my Endeavours to put this Country in a poſture of defence—

And for the laſt Surely that dreadfull Maſſacre committed laſt *September* on her Majeſts Subjects loudly called upon us to guard our own throats—

Having done my part in takeing timely meaſures to Sheild you from the threatned dangers

I hope you Gentlemen of the Houſe of Burgeſſ[s] will next find Suitable meanes to diſcharge the Debts which have accrued on thoſe Occaſions.

And let me tell you that whatever works are done, have been carryed on upon Such frugall projects and that I my Self have both in perſon and Circumſtances ſo much contributed thereto that I can aſſure you. Such a Sume of ready money as I've heard was a few yeares agoe Expended for oppoſeing the Attempts of a Single Privateer would have defrayed y[e] whole Charge of our late preparations.

I cannot but wonder at the Supine notions of many people here who argue that either their poverty will diſcourage or their wilderneſſ[s] fruſtrate any Invaſion—

Surely they do not conſider, that a fleet which happens to want Suſtenance and Refreſhment will long more for the Stocks and Plantations of *Virg[a]* than for the Mines of *Peru*, or that a Shattard Navy which has ſhott the Gulph of *ffloridа* may chooſe for its moſt convenient Rendezvous the Bay of *Cheſepeake*: neither do they duly reflect on y[e] Miſerys of the wild retreat they propoſe for their Wives and Children nor on the Deſolations that will probably be made among their abandoned Dwellings nor on the Riſque the[y] run of looſing in a generall flight every evry Slave y[t] has a mind to quitt his Maſter—

Certainly if people have theſe reflections, they will have other notions of defence, and their reaſon, will at leaſt finiſh what their feares began; if not provide ſtil more Sufficient works than thoſe that have been hurryed on juſt in the view of danger—

Tho' I dare not tell you in this publick manner what Sort of attempts may be very practicable upon this Colony, Yet I'm in hopes, I have Said enough to awaken your thoughts of better Securcing Your Selves on the Outſide, and ſhall next lay before you what I have done to protect you on the other—.

By my late Expedition, I have prevailed upon our Neighbouring Indians to give pledges of a faithfull peace, by yeilding up Severall of their chief Rulers Children to be Educated at our Colledge—

This fair ſtep towards their Converſion is the more valueable by how much all Attempts of this kind have hitherto proved ineffectuall Nor ſhall I the leſs rejoyce at it becauſe it coſts me the Tribute that has been a Profit to former Governours, eſpecially if you teſtifye your approbation of what I have done, by following the Example, and adding ſome fund for the maintenance of thoſe Children who are like to be more in number than the pious Donation for y[t] purpoſe can Support—

I doubt not but whilſt by kind and gentle meanes no [we] Endeavour to change y[e] Savage nature of their Youth, they will Imbibe with the *Engliſh* Language the true principles of our Excellent Church from whence will ariſe two of the greateſt beneſitts, the Salvation of many poor Souls and withall the beſt of Securitys to our perſons and Eſtates for once make them good Chriſtians and you may confide in them—

I have likewiſe made Some Steps towards Engageing Severall Governm[ts] of the *Tuſcarora* Indians againſt thoſe Nations who committed the Maſſacre, and are now warring upon her Majeſtys Subjects in *North Carolina;* but being deſirous of Your Concurrence in the League that is projected I have deferred concluding any Treaty with them til the twentyeth Inſtant about which time I expect their plenipotentiarys here at *Williamſburgh*—

Thus farr have I Spoke of Evils to be apprehended from abroad in the next place I ſhall mind you of redreſſing ſome Grievances I have obſerved at home—

The

The frequent profecutions againſt Sherifs, ſhew ye mighty defect of ye County priſons as likewiſe the want of One for Debtors committed by Judgments of ye Generall Court

The late Unaccountable Behaviour of y^e^ *Quakers* urges a Law for the better Governing them in times of Danger—

The Burthen that lyes on the poorer Sort of people as being obliged to provide themſelves with Armes and Ammunition pleads for a more Equal Tax that may better anſwer the end.

And the want of a Careening place near *Kiquotan* occaſions the frequent abſence of our Guards ſhipps or makes them vſeleſs on their Stations—

This diſcourſe tho' containing a variety of the moſt important matters may Seem perhaps too long. Yet I ſhould think it very deficient were I to conclude without Earneſtly recommending to your Conſideracon the Caſe of the Church which upon the footing it now ſtands is full of Inconveniencys too many Paſtors and their flocks.—

I'm perſwaded that a Juſter Regulation of Such a portion as former Aſſemblys have judged reaſonable to be ſet apart for ye Clergy might more handſomely encourage Miniſters and better Supply the Countrey with Churches.

Compaſs but this work, and you'l have the honour of imitateing the Piety of your Queen and the Zeal of a Parliment by her Majeſty So highly Commended.

Reſolved That the Said Speech be taken into Conſideracon on *Tueſday* next.

Ordered That the Houſe be called over on *Saturday* next—

Upon a Motion made—

Ordered That Mr *Holloway* deſire Mr Commiſſary *Blair* to read Divine Service during this Seſſion—

*Ord^d^* That *Edward Dyer* and *Andrew Elmſe* be continued Doorkeepers to the Houſe this Seſſion—and that they give their reſpective attendance accordingly

The Severall petitions of *Thomas ffrancis Robert Caſey, Geo: Remington James Merryman, John ffeillon* and *Edward Giles* were read praying to be admitted Doorkeepers to the houſe, and thereupon—

Ordered That *Thomas ffrancis* and *Geo: Remington* be admitted Doorkeepers to the Houſe & that they give their attendance accordingly.

The Orders of the Houſe for laſt Seſſion being read at the Table

Reſolved That the Houſe do approve of the Same and that they continue orders for this Seſſion—

Ordered That the Said Orders lye conſtantly upon the Table for every Members Peruſall—

Ordered That the Houſe be called over as often as ſhall be thought convenient and that thoſe Members who ſhall be wanting in their duty of Attendance be lyable to the Cenſure of the Houſe—

Reſolved and accordingly *Ordered*

That it be a Standing Rule of this Houſe that fifteen Members with the Speaker ſhall be a Sufficient number to adjourn—

A Committee for Elections and Priviledges

Mr *William Robinſon* Chairman

Mr *Cary*.....Mr *Merriwether*

Mr *Allerton*

Ordered That Mr *Miles Cary* be continued Clerk of the ſ^d^ Committee and that he give his Attendance accordingly

A Committee for Publick Claims

Mr *Buckner* Chairman

Mr *Ball*.....Mr *Barber*
M^r^ *Eſcridge*.....Mr *Neal*
Mr *John Robinſon*.....Mr *Smith*
M^r^ *ffox*.....Mr *Epes*

Mr *Milner*

Ordered That Mr *Miles Cary* be continued Clerk of the Said Committee and that he give his attendance accordingly.

A

A Committee for Propoſitions and Greivances

Mr *Holloway* Chairman

Mr *William Robinſon*	Mr *Allerton*
Mr *Cary*	Mr *John Bolling*
Mr *Chriſtopher Robinſon*	Mr *Waller*
Mr *Merryweither*	Mr *Burwell*
Mr *Wilſon*	Mr *Dudley*

Ordered That Mr *John Clayton* be continued Clerk of the Said Committee and that he give his Attendance accordingly.

Ordered That the Committee have power to adjourn themſelves *de die in diem* and to Send for perſons Reccords. Journalls and other papers they Shall from time to time have Occaſion of

Reſolved and accordingly *Ordered*

That all propoſitions Greivances and Publick Claimes be brought into the Houſe on *Thurſday* next at fartheſt or not to be received in this Seſſion of Aſſembly without particular leave of ye Houſe—

Ordered That the Clerk of ye Houſe publiſh the fartheſt time Set by ye Houſe for receiving propoſitions Greivances and Publick Claimes during this Seſſion by Setting vp a fair Copy of ye Reſolve of the Houſe made in that behalf.

Ordered That the Committee of propoſitions and Grievances inſpect ye Journall of this Houſe at the laſt Seſſion & report to the Houſe what they find neceſſary to be further conſidered this Seſſion—

Ordered That the Committee for publick Claimes inſpect the report of the ſaid Committee at the laſt Seſſion and report to the Houſe what they find neceſſary to be farther conſidered this Seſſion—

Reſolved and accordingly *Ordered.*

That all petitions propoſitions and Greivances directed for ye laſt Seſſion of Aſſembly, and not then conſidered be admitted to the Conſideration of this Seſſion—

Reſolved That there be payd vnto *Ralph Baker* out of the Publick moneys in Mr *Treaſurers* hands ye Sume of twenty Seven pounds ten Shillings in Satisfaction of Twenty five pounds *Sterling* ordered him at ye laſt Seſſion of Aſſembly and not yet paid, and for other conſiderations.

Ordered That Mr *Holloway*, Mr *John Robinſon*, Mr *Barber* and Mr *Neal* do Carrye a Copy of the ſd Reſolve to ye Council & deſire their Concurrence thereto—

And then the Houſe adjourned til to morrow Morning nine a Clock.

Fryday November 9th 1711

MR. *Stannup* moving for leave to be abſent from ye Service of ye Houſe til *Munday* next upon Extraordinary Occaſions, Leave is accordingly given him—

Severall propoſitions and Greivances from the Countys of *New Kent Warwick* and *King* and *Queen* being read.

Ordered That the conſideracon of ye ſd propoſitions and Grievances be referred to the Committee of propoſitions and Greivances to report their Opinions therein—

The petition of *Mathew Ballard* was read praying to be allowed for half an acre of Ground and a Houſe which did belong to him in *York Towne*, & was appropriated by the Governour to the Service of the Country—

Ordered That the Said Petition lye upon the table

Severall publick Claims from the Countys of

Elizabeth City	*Warrwick*
Charles City	*Princeſs Anne*
Henrico	*Middle Sex*
Iſle wight	*New Kent* and
Nanſemond	*King* and *Queen*

Were

Were prefented to the Houſe & referred to ye conſideracõn of the Com^tee for Publick Claimes to Examine ye Subject matter thereof & report the Same with their Opinions therein to the Houſe.

And then the Houſe adjourned til to Morrow Morning Ten a Clock

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Saturday November 10th 1711

A PROPOSITION from the County of *King William* was read and referred to the Conſideration of ye Committee of propoſitions & Greivances to report their Opinions thereon—

The Houſe (according to order) was called over and therevpon

Ordered That Mr *William Robinſon* attend the Service of The Houſe on *Wedneſday* next and that if he then fail in his Attendance he be ſent for in Cuſtody of the Meſſinger to anſwer the Same and that Mr *Speaker* Iſſue his Warrant accordingly

Ordered That Mr *Hancock Cuſtis*, Mr *Richard Drumond*, Mr *Benjamin Nottingham* and Mr *Charles ffloyd* be Sent for in Cuſtody of the Meſſinger to anſwer their Defaults in not attending (according to their Duty) the Service of the Houſe and that Mr *Speaker* Iſſue his Warrant accordingly—

Severall Publick Claimes from the Countys of *Prince George Norfolk* and *King William* were prefented to the Houſe & referred to the Conſideration of the Committee for Publick Claimes to Examine the Subject Matter thereof and report the Same with their Opinions therein to the Houſe—

Mr *Hawkins* moving for leave to be abſent from the Service of the Houſe til *Tueſday* next upon Extraordinary occaſions, leave is accordingly given him.

The petition of *Thomas Cowles* the Meſſinger to this Houſe was read praying leave to attend at *James City* Court on *Munday* he being Sumoned thither as a witneſs—

Ordered That the Said Petition be Rejected

And then the Houſe adjourned til *Munday* One a Clock in the afternoon—

Monday November. 12th 1711

MR. *Holloway* from the Committee of propoſitions and Grievances reported that the Said Committee had taken into Conſideration Severall of the matters to them referred and therein had agreed upon Severall reſolutions which he read in his place and then delivered them in at the Table where being again read the Houſe took the Same into imediate conſideracõn and the Said report being agreed to—

Reſolved That there is no occaſion at this time to bring in a Bill to encourage the Woollen Cotten, flax and Hemp Manufactorys—

Reſolved That a Bill be brought in to Settle and aſcertain Attorneys, Secretarys, County Court Clerks. Sherifs and Conſtables ffees and that Mr Secretary *Jennings* have Leave to offer his reaſons againſt the Same according to the prayer of his petition preferred to this Houſe at the laſt Seſſion and that he have notice accordingly

Ordered That it be referred to the Committee of propoſitions and Greivances to prepare and bring in the Said Bill and that they acquaint Mr Secretary *Jennings* that he hath leave to offer to the Said Com^tee his reaſons againſt the Said Bill—

Ordered That it be an Inſtruction to the Said Committee to aſcertain in the Said Bill the ffees of Sherifs and Conſtables for Serving Warrants from Juſtices of peace, as alſo to aſcertain the Charges for Witneſſ^e attending before Such Juſtices.—

Reſolved That until the Meſſage from the Lievtenant Governour of the 27th of *November* 1710 concerning the Dividing of Countys be conſidered nothing be done on the Reſolves of this Houſe at the laſt Seſſion directing the Surveyors of the Countys

of

of *Henrico* and *New Kent* to run a Line to divide the Said Countys and alſo directing the Surveyor of ye Countys of *King William* and *King & Queen* to view the Bounds between the Said Countys

Ordered That the Conſideracõn of the Meſſage from the Liev^t^ Governo^r^ Sent to this Houſe the Sixth of *December* laſt and referred to ye Conſideracõn of this Seſſion be further referred to the next Seſſion of Aſſembly.

Ordered That it be an Obſervation on the Journall that there ſtil remaines in the hands of Colonel *Robert Carter* Two Hundred and One Pounds nine ſhillings and nine pence for ye Truſtees of the City of *Williamſburgh*—

Reſolved That a bill be bro^t^ in to reſtrain perſons from keeping Horſes and breeding Mares who have not land to keep them on—

Ordered That it be referred to the Committee of propoſitions and Grievances to prepare and bring in the Said Bill—

Reſolved That a Bill be bro^t^ in directing the manner of granting Probates of Wills and Adminiſtrations of Inteſtates Eſtates.—

Ordered That it be referred to the Committee of propoſitions and Grievances to prepare and bring in the Said Bill—

Reſolved That a Bill be brought in for appointing Rowling houſes and Publick Landings and aſcertaining the prices of Storeage—

Ordered That it be referred to the Committee of propoſitions and Grievances to prepare and bring in the Said Bill—

Reſolved That a Bill be brought in for Setling and aſcertaining the Current Rates of foreign Coined Gold

Ordered That it be referred to the Committee of propoſitions and Grievances to prepare and bring in the Said Bill—

Reſolved That the Laws now in force do Sufficiently provide againſt the Selling Liquors at Muſters.

Reſolved That a Bill be brought in to Impower Surveyors of the Highways to take Such Trees as ſhall be neceſſary to make or repaire Bridges and Highways.

Ordered That it be referred to the Com^tee^ of propoſitions and Grievances to p^r^pare & bring in the Said Bill—

Severall propoſitions and Greivances from the Countys of *Surry* and *York* were read and referred to the conſideracõn of the Committee of propoſitions and Grievances to report their opinions thereon

And then the Houſe adjourned til to morrow Morning Ten a Clock

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Tueſday November. 13th 1711

SEVERALL Claimes from the Countys of *York. Glouceſter* and *Surrey* were preſented to the houſe and referred to the Conſideration of the Committee for Publick Claimes to Examine the Subject matter thereof and report the Same wth their Opinions therein to ye Houſe.

The Houſe was called over. and thereupon—

Ordered That the Meſſinger do take into his Cuſtody Mr *Burwell* and that he be not admitted to take his place in the Houſe til he has made his Excuſe for abſenting himſelf from the Service of it—

The Houſe (according to order) proceeded to take into conſideracõn the Governours Speech and the Same being read.

Upon a Motion made

Reſolved that this Houſe will reſolve it Self into a Com^tee^ of the whole Houſe to conſider the Said Speech and the Houſe accordingly reſolved it Self into the Said Committee And after Some time Spent therein Mr *Speaker* Reſumed the Chair and Mr *Buckner* reported from the Said Committee that they had conſidered part of the Said Speech

Speech and therein had come to Severall refolutions which he read in his place and then deliver'd in at the Table where the ſame were again read and (with amendments to one of them) agreed to by the Houſe and are as follow. *viz*^{t}.

Refolved That it be referred to a Committee.

To Serch and Enquire what ffortifycations have been heretofore

How the Charge of thoſe ffortifycations hath been raiſed

How thoſe ffortifycations have been kept—

What Opinion former Aſſemblys have had of fortifycations here as to the advantage of them—

Whether the Eſteeming ffortifycations not Sufficiently Serviceable to anſwer the Charge was not ye Cauſe of letting them go to decay.

Whether the Charge of the preſent Batterys be a Country Charge by the Law—

Whether neverthelefs it be not convenient on this occaſion to pay it by the Country

How ye Charge ſhall be paid by the Poll, or by money raiſed

By what the money may be beſt raiſed

What proofs the Committee of Claimes ſhall be Satisfyed with on this Occaſion—

What neceſſary to be done to prevent the proceedings of this Seſſion about Allowances turning into preſident for time to come

Refolved That the Committee So to be appointed have power to receive any propoſition y^{t} ſhall be made by any Member of this Houſe touching the afore recited matters.

Refolved That an Addreſs be prepared to the Governour Rendering him the thanks of this Houſe for his care in takeing timely meaſures to Secure us from the late threatned Dangers and for his Trouble in his Managem^{t} about the Same—

Then Mr *Buckner* acquainted the Houſe That the Committee of the whole Houſe had Directed him to move for leave to Sit again to conſider further of the Governo^{rs} Speech. And thereupon

Refolved That the Houſe will again Refolve it Self into a Committee of the whole Houſe to conſider further of the Said Speech—

Mr *Soane* ..... Mr *John Robinſon*
M^{r} *Eſcridge* ..... Mr *Bouſh*
Mr *Chriſtoph*^{r} *Robinſon* ..... Mr *Curl* and
Mr *Allerton*

Were according to the Refolve of this Houſe appointed a Committee to inquire concerning ffortifycations.

Mr *Epes* moving for Leave to be abſent three daies from the Service of the Houſe upon Extraordinary occaſions, leave is accordingly given him—

And then the Houſe adjourned til to morrow morning Ten a Clock

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Wedneſday November 14th 1711

THE Houſe being informed that Mr *Burwell* (who is in the Cuſtody of the Meſſinger) is ready to attend the Service of the Houſe—

Ordered That he be diſcharged out of Cuſtody paying ffees, and that he be admitted to take his place in the Houſe—

The Petition of *William Randolph* praying an Allowance for four Copies of the Laws and Journall of the laſt Aſſembly delivered unto the Honorable the Liev^{t} Govern^{r}, as alſo for a Copy of ye Laws Sent to the Secretarys Office, And.

The Petition of *Suſanna Allen* praying to be allowed for Dyeting Indians according to the Governours order being Severally read

Ordered That the conſideration of y^{e} ſ^{d} Petitions be referred to the Com^{tee} for publick Claims to report their opinions therein—

Severall publick Claimes from the County of *Eſſex* were preſented to the Houſe and referred to the Conſideration of the Committee for publick Claimes to Examine the Subject matter thereof and report the Same wth their Opinions therein to the Houſe—

The

The petition of *Margaret Revington* was read praying to be allowed for the time her husband attended as Doorkeeper to the Council—

Ordered That the Said Petition be Rejected.—

Mr *Holloway* reported That the Committee of propositions and Greivances to whom it was referred to prepare and bring in a Bill for appointing Rowling houses and publick Landings and Ascertaining the prices of Storeage had prepared the said Bill which he presented to the House and the Same being received was read the first time and ordered to be read a Second time—

The petition of *Robert Read* Setting forth that he is Seized in ffee tail off about Eight hundred Eighty five Acres of Land in the Countys of *York* and *Glouceſter* and praying that leave may be given to bring in a Bill to cutt off the Entail of the Said Land for reasons in the Said petition Suggested. being read

Ordered That Mr *Holloway* Mr *Eſcridge* Mr *Robert Bolling* and Mr *Bouſh* do Examine the Allegations of the Said petition and report the Same to the House

Ordered That the Committee appointed to Enquire concerning ffortifycations do prepare and bring in an Addres to the Governor upon the Resolve of this House Yesterday.

The Claim of *John Broadnax* as Keeper of the Publick Goal was presented to the House and referred to the Consideration of the Committee for Publick Claimes to report their Opinions therein—

The House resolved it self into a Committee of the whole house to consider further of the Governours Speech and after some time Spent therein Mr *Speaker* Resumed the Chair & Mr *Buckner* reported from the Said Committee that they had considered further of the $\mathfrak{f}^{d}$ Speech and therein had come to Severall resolutions which he read in his place and then delivered in at the table and acquainted the House that the Committee had directed him to move that they may have Leave to Sit againe—

Resolved That the House will resolve it Self into a Committee of y^{e} whole House to consider further of the Govern^{rs} Speech when the Committee appointed to make Inquiry concerning ffortifycations have made their Report

Then the House proceeded to take into consideration the report of the Committee of the whole house made upon part of the Governours Speech and the Same being read was agreed vnto by the House And therevpon—

Ordered. That that part of the Governours Speech relating to the defect of the County prisons as also to the want of One for Debtors committ^{d} by the Judgments of the Generall Court be referred to the consideration of the Committee of propositions and Grievances to report their Opinions thereon—

Ordered. That that part of the Governours Speech relating to the *Quakers* be referred to the consideracon of the Committee of propositions and Greivances to report their Opinions thereon—

Ordered That that part of the Governours Speech relating to the Burthen that lyes on the poorer Sort of People in providing themselves with Armes and Ammunition be referred to the consideracon of the Com^{tee} of propositions & Greivances to report their Opinions thereon—

Resolved That the Govern^{r} be addres^{d} upon those paragraphs of his Speech which relate to the Church and Clergy.

Ordered. That Mr *Conway*, Mr *Tarpley* & Mr *Presley* do prepare and bring in the Said Addres.

The House being informed that the Messinger had pursuant to Mr *Speakers* warrant taken into his Custody Mr *Nottingham* & Mr *ffloyd* for their failure in not attending according to their Duty the Service of the House and that they attended at ye door.

Ordered That they be brought to the Barr of the House to make their Excuse for their absence, and they being accordingly brought to the Barr and having Excused their absence were ordered to withdraw And being withdrawn;

Ordered That they be discharged out of Custody paying ffees—

And then the House adjourned til to morrow morning ten a Clock.

Thurſday

Thurſday November. 15th 1711

THE Claim of Mr *Archibald Blair* for goods furniſhed by the Governours Order for the Batterys on *Point Comfort*—

The Claim of Mr *Henry Cary* for timber for Eleven Carryages and for Work done on the Trenches at *Williamſburgh* &c

The Claim of Mr *William Robertſon* Guardian to *Wm Drummond* for work done by the ſd *Drummonds* Negro's on the Trenches at *James Town*, and for Timber and Corn &c And the Claime of *Miles Cary* for wheels for mounting the Great Guns—

Were preſented to the Houſe and referred to the conſideracõn of ye Committee for publick Claimes to report their Opinions thereon—

The Petition of *John Broadnax* Keeper of the publick Goal was read Setting forth the Inconveniencies in having a Window on Each ſide of the Said Goal, and that they may be Stopt vp and that One other window may be made at the Weſt end of the Said Goal which is Surrounded with a high Wall—

Reſolved. That Liberty be given to the ſaid *Broadnax* to make alterations in the Publick goal according to the prayer of his Petition and that the ſame be done at the Charge of ye Country.

Ordered That Mr *Connaway*, Mr *Tarpley*, and Mr *Preſley* do Carrye a Copy of the Said Reſolve to the Council and deſire their Concurrence thereto—

Severall Claims from the Countys of *Northampton* & *James City* were preſented to the houſe and referred to the conſideration of ye Committee for Publick Claimes to Examine the Subject matter thereof and report the Same wth their opinions therein to the Houſe—

Mr *Holloway* reported that the Committee of Propoſitions and Greivances had (according to order) prepared Two Bills which he preſented to the Houſe and the Same being received.

A Bill to reſtraine perſons from keeping Horſes & Breeding Mares, who have not Lands to keep them on was read ye firſt time and ordered to be read a Second time

A Bill directing the manner of granting Probats and Adminiſtration of Inteſtates Eſtates was read the firſt time and ordered to be read a Second time—

A Written Meſſage from the Honble ye Lievt Governr by Mr *Robertſon*

Mr Speaker & *Gentlemen of the Houſe of Burgeſſes*

Having received a Propoſition from *King William* County that Rangers be appointed in the ffrontier Countys for their protection (againſt the Incurſions of the Indians I think it neceſſary to informe you that after the late Maſſacre in *Carolina*. and the Murder Committed in *New Kent* County, upon the preſſing Inſtances of Some of the Inhabitants that lay moſt Expoſed to the like Accidents I Directed Ten men and an Offycer out of each of the ffrontier Countys to range weekly above the Inhabitants, and to be increaſed to twenty in caſe the number of the Enimye ſhould require it which Rangers are Stil on foot And I recommend to your Conſideration (together with the propoſition therewith Sent you) to take Suitable meaſures for Satisfying the perſons that have hitherto been Imployed in a Service So neceſſary for the Safety of the Inhabitants—

November 14th 1711 *A. Spotſwood*

A meſſage from the Council by Mr *Robertſon*, That they have agreed to the Reſolve of the Houſe for payment of money to *Ralph Baker*. as alſo that they have obtained the Governors Aſſent to that payment—

The written meſſage from the Governour together with the propoſition from *King William* County therein menc̃oned were Severally read and referred to the Conſideration of the Committee of propoſic̃ons and Grievances to report their Opinions thereon—

The Claim of *John Smith* Eſqr for a Cart and horſes and fourteen narrow Axes made vſe of at the Battery at *Tindalls point*, was preſented to the Houſe and referred to the Conſideration of the Committee for Publick Claimes to report their Opinions thereon—

The

The Petition of *James Adams* referred by her Majeſtys Lt Govern^r^ and Council to the conſideration of this Houſe was read praying to be allowed his vſual Sallary for being Interpreter to the *Pamunkey* and *Chickahominy* Indians

The petition of *John Kimbro* was read praying to be allowed his penſion as vſual. And

The Petition of Mrs *Elizabeth Harriſon* Widdow and Adminiſtratrix of the Eſtate of *Benjamin Harriſon* jun^r^ late Treaſurer of *Virginia* Gent. deceaſed being referred by her Majeſtys Lt Governour and Council to the conſideracõn of this Houſe was read ſetting forth that in Obedience to the Orders of laſt Aſſembly ſhe hath paid 1639. 2:5½ *Sterling* money and y^t^ her deceaſed huſband did only receive 857:8:2¾ in the Said Coin, and therefore ſhe prays to be allowed the difference of Exchang between *Sterling* and Currant money on 781:14:2¾ &c —

Ordered That the Conſideration of the Said Petition be referred to the Committee for Publick Claimes to report their Opinions thereon—

A Bill for appointing Rowling houſes and Publick Landings and aſcertaining the prices of Storeage was read the Second time

Ordered That the Bill be Engroſſed

Severall propoſitions from *James City* County being referred by the Council to the conſideration of this Houſe were read and referred to the Conſideration of the Committee of propoſitions and Greivances to report their Opinions thereon

The Petition of *Larkin Chew* Commander of the Rangers in *Eſſex* County being by the Council referred to the conſideracõn of this Houſe was read praying that himſelf and Ten men may be allowed for Ranging.

Ordered That the Said Petition be referred to the Committee of Propoſitions & Grievances to be conſidered wth the meſſage from the Governour alſo to them referred.—

And then the Houſe adjourned til to morrow Morning Ten a Clock.—

Fryday November. 16th 1711

MR. *Holloway* reported That the Committee of propoſitions and Grievances to whom it was referred to prepare and bring in a Bill for ſetling and aſcertaining the Current Rates of forreign Coined Gold. had prepared the ſaid Bill which he preſented to ye Houſe. and ye Same being received was read the firſt time and ordered to be read a Second time—

Mr *Conaway* reported that the perſons appoynted had (according to order) prepared an Addreſs to the Governour upon thoſe Paragraphs of his Speech which relate to the Church and Clergy which he read in his place and then delivered in at the Table where the Same being again read.

Ordered That the Said Addreſs do lye upon the Table

Reſolved and accordingly *Ordered*

That a Committee be appointed to wait on the Governour to receive Such propoſitions as he ſhall think fit to Communicate to this Houſe relating to the alterations in the Militia and that they make report to the Houſe—

And thereupon a Committee was accordingly appointed to witt.

Mr *Holloway*.....Mr *Chriſtopher Robinſon*
Mr *Allerton*.....Mr *Preſley*
Mr *Merrywether*.....Mr *Soane*
Mr *Burwell*.....Mr *Robert Bolling*—

An Engroſſed Bill entituled *an Act for appointing Rowling houſes and Publick Landings and aſcertaining the prices of Storeage* was read the third time

Reſolved That the Bill do paſs.

Ordered That the Committee of propoſitions and Greivances do carrye the ſaid Bill to the Council & deſire their Concurrence thereto—

A Bill to reſtrain perſons from keeping Horſes and Breeding Mares who have not Land to keep them on was read the Second time, and Some Amendments being made therein and twice read—

Ordered That the Bill with the Amendments be Engroſſed.

Mr *Holloway* reported That the Committee of propoſitions and Greivances, to whom it was referred to prepare and bring in a Bill to Impower Surveyors of high ways to take Such Trees as ſhall be neceſſary to make or repair Bridges and high ways had prepared the Said Bill which he preſented to the Houſe, and the Same being Received was read the firſt time and ordered to be read a Second time—

And then the Houſe adjourned til to morrow Morning Eight a Clock.

Saturday. November 17th 1711

MR. *Holloway* from the Committee of propoſitions & Grievances reported that the Said Commtee had taken into conſideration Severall of the matters to them referred & therein had come to Severall reſolutions which he read in his place and then delivered them in at the Table where being again read. the Houſe proceeded to the imediate conſideration of the ſd report.

And upon conſideration of the report of the ſaid Committee made upon the Greivance repreſented by Severall Inhabitants of the County of *Surry* that Negro's are ſuffered to make vſe of Armes and Amunition and alſo to keep publick Mills—

The Houſe agreed to the report of the Said Committee *viz*t

Reſolved. That a Bill be brought in to redreſs the Said Greivance

Ordered That it be referred to the Committee of propoſitions and Greivances to prepare and bring in the Said Bill—

And upon conſideration of the report of the ſaid Committee made upon the Greivance from the County of *York*. that the Strikeing of ffiſh by ffire light is very detrimentall to the ffiſhery.

After a Debate, the queſtion was put.

That the report of ye ſaid Committee be agreed to

Reſolved in the affirmative. And thereupon.

Reſolved. That a Bill be brot in to prevent the Same

Ordered That it be referred to the Committee of propoſitions and Greivances to prepare and bring in the Said Bill—

And upon conſideration of the report of the Said Committee. made upon the propoſition from the County of *King William*. That a fferry may be Setled from the Houſe of Mr *Thomas Claiborne* in the Said County over *Pamunkey* River to *Gauſlins Point* in the County of *New Kent*.

After a Debate, the queſtion was put

That the report of the ſaid Committee be agreed to

Reſolved in the affirmative And thereupon

Reſolved That ye ſd Propoſition be Rejected.

And upon conſideracõn of the report of the ſaid Committee made upon that part of the Governours Speech which relates to the defect of County priſons.

The Houſe agreed to the report of ye ſaid Committee *viz*t

Reſolved That the Same will be properly conſidered in Setling the ffees of Sherriffs which may be done in the Bill for Setling and aſcertaining Attorneys Secretarys County Court Clerk. Sherriffs & Conſtables ffees ordered by this Houſe to be brought in

Ordered That it be an Inſtruction to the Comtee of propoſitions and Greivances to whom it is referred to prepare and bring in ye ſd Bill. to provide therein againſt the Defect of County priſons—

And upon conſideracõn of the report of the Said Committee made upon that part of the Governors Speech which repreſents the want of a Priſon for Debtors committed by the Judgments of the Genll Court—

After

After a Debate—the queſtion was put
That ye report of the Said Com^tee^ be agreed to
Reſolved in the affirmative And thereupon—

Reſolved That a Publick goal for Debtors which ſhall be committed by the Gen^ll^ Court be built at *Williamſburgh*. That ye Same be built wth Brick and be well Secured with Plank That it be made thirty two foot in Length and Twenty foot in breadth from from out ſide to out ſide. That it be called the Generall Court priſon for Debtors That the Generall Court have power to appoint the Keeper of the Said priſon and to lay out the rules thereof—

Ordered That the Committee of propoſitions and Greivances do prepare and bring in a Bill upon the Said Reſolve—

An Engroſſed Bill entituled *an Act to reſtrain perſons from keeping Horſes and Breeding Mares who have not Land to keep them on* was read the third time—

Reſolved That the Bill do paſs.

Ordered That the Committee of propoſitions and Greivances do carrye the Said Bill to the Council and deſire their Concurrence thereto—

Mr *Wilſon* moving for Leave to be abſent from ye Service of the Houſe til *Tueſday* next upon Extraordinary Occaſions. Leave is accordingly given him—

Mr *Epes* moveing for leave to be abſent from the Service of the Houſe til *Thurſday* next upon Extraordinary Occaſion, leave is accordingly given him—.

A member of the Houſe moving y^t^ Leave may be given to Mr *Ball* to go into ye Country for recovery of his health. Leave is accordingly given him—

And then the Houſe adjourned til *Munday* One a Clock in the afternoon—

Munday. November 19th 1711

THE Houſe being informed That ye Meſſinger hath purſuant to Mr *Speakers* warrants taken into his Cuſtody Mr *Robinſon* Mr *Drummond* and M^r^ *Cuſtis* for their failure in not attending according to their Duty. the Service of the Houſe and that they attended at the door—

After a Debate, the queſtion was put.

That they be call'd to the Barr of the Houſe to make their Excuſes for abſenting themſelves from the Service of ye Houſe—

Reſolved In the affirmative and thereupon—

Mr *Robertſon* was call'd to the Barr and having Excuſed himſelf for his abſence was ordered to withdraw And being withdrawn—

Ordered That he be diſcharged out of Cuſtody paying ffees.

Then Mr *Drumond* & M^r^ *Cuſtis* were called to the Barr and they having Excuſed their abſence were ord^d^ to withdraw. And being withdrawn

Ordered That they be diſcharged out of Cuſtody paying ffees

And then the Houſe adjourned til to morrow Morning eight a Clock.—

Tueſday November. 20th 1711

MR. *Soane* reported that the Committee appointed to inquire concerning ffortifycations had (according to Order) prepared an Addreſs to the Governour rendring him the thanks of this Houſe for his care in takeing timely measures to Secure us from the late threatned dangers, and for his trouble in his Managem^t^ about the Same, which he read in his place and then delivered in at the table where the Same being again read.—

Ordered That the Said Addreſs do lye upon the Table.—

Upon a motion made, after a Debate

The

The queſtion was put, That the Addreſs to the Governr upon thoſe paragraphs of his Speech which relate to the Church and Clergy, be now conſidered.—

Reſolved in the Affirmative and thereupon

The Houſe proceeded to the conſideration of the ſaid Addreſs, and the Same being read was agreed vnto by ye Houſe and is as followeth—

To the Honble Alexander Spotſwood *Eſqr her Majeſtys Lievt Governor of* Virginia—

May it Pleaſe yor Honour

Wee her Majeſtys Loyall and dutifull Subjects the Burgeſſs was [now] aſſembled humbly begg leave to acquaint your Honour yt we have had under Serious Conſideration thoſe paragraphs of your Speech which relate to the Church and Clergy and that therevpon it Seems to us as if your Honor intended Some alterations which we do not at preſent apprehend.—

Wee have a great Veneration for the Excellency of the *Engliſh* Church as it is by Law Eſtabliſhed and ſhall give a due Conſideration to any matter propoſed for the bettering the Caſe of the Church here and heartily as well as readily agree to what ſhall upon Such Conſideration appear to be fit and Convenient and agreeable to the Circumſtances of ye Country—

Ordered That the Said addreſs be forthwith fairly tranſcribed and Signed by Mr *Speaker* and that the perſons who prepared it together with both the Committees do preſent the Same to the Governour—

A Bill to Impower Surveyors of high ways to take Such trees as ſhall be neceſſary to make or repair bridges & high ways was read the Second time

Ordered That the Bill be Engroſſed.

A Bill for ſetling and aſcertaining the Current Rates of forreign Coined Gold was read ye Second time & Some Amendments being made therein and twice read

Ordered That the Bill with the amendments be Engroſſed.

The Certifycate of *Philip Ludwell* and *William Byrd* two of her Majeſtys: Honble Council was read Certifying that by virtue of a Commiſſion to them granted by her Majeſtys Lievt Governour they had Adminiſtred the Oathes appoynted by Act of Parliment to be taken inſtead of ye oathes of Allegiance and Supremacy the abjuration Oath, the Teſt and Oath of a Burgeſs to *ffrancis Epes* Junr and *Edward Goodrich* Burgeſſes returned to Serve in this Generall Aſſembly—

A Bill directing the manner of granting Probats & Adminiſtration of Inteſtates Eſtates was read the Second time and Some Amendments being made therein, and twice read

Ordered That the Bill with the Amendments be Engroſſed

Mr *Simmons* moving for leave to be abſent from ye Service of ye Houſe to morrow upon Extraordinary occaſions. leave is accordingly given him—.

And then the Houſe adjourned til to morrow Morning Eleven a Clock.

Wedneſday November. 21th 1711

AN Engroſſed Bill entituled *an Act to Impower Surveyors of highways to take Such Trees as ſhall be neceſſary to make or repair Bridges and Highways* was read the third time

Reſolved That the Bill do paſs.

An Engroſſed Bill entituled *an Act for Setling and aſcertaining the Currant rates of foreign Coined gold* was read the third time—

Reſolved That ye Bill do paſs.

Ordered That the Committee of propoſitions and Greivances do carrye the Said bills to the Council and deſire their Concurrence thereto—

A Member of the Houſe moving for leave to bring in ye Claims and a Greivance from *Accomack* County. leave is accordingly given him—And thereupon—

The

The Greivance from the Said County was read, praying that they may have power to chooſe a Veſtry for the Pariſh of *Accomack*, and that the preſent Veſtry may be deſolved.—

Ordered That the Burgeſſes for the ſ^{d} County have leave to prepare and bring in a Bill according to the prayer of the Said Greivance.—

Ordered That the conſideracõn of the Claimes from *Accomack* County be referred to ye Committee for publick Claimes to Examine ye Subject matter thereof and Report the Same with their Opinions therein to the Houſe—.

Mr *Holloway* reported that the Committee of propoſitions and Greivances to whom it was referred to prepare and bring in a Bill for building a priſon for Debtors to be committed to by ye Generall Court. had prepared the ſaid Bill, which he preſented to the Houſe and ye Same being received was read the firſt time and Ordered to be read a Second time—.

Mr *Barber* moving for leave to be this day abſent from ye Service of ye Houſe upon Extraord^{ry} Occaſion. leave is accordingly given him—

A motion being made by a Member of the Houſe touching Murders and other things done by Indians.—

And a Debate therevpon ariſeing. the Same was Adjourned til the Houſe think fit to reſume it

Upon a motion made

The Houſe proceeded to the Conſideracõn of the Addreſs to the Governour rendering him the thanks of this Houſe for his Care in takeing timely meaſures to Secure us from the late threatened dangers. and for the trouble in his Management about the Same

And the Said Addreſs being read was with an Amendment agreed vnto by the Houſe and is as followeth—

To the Honble Alexander Spotſwood *Eſq^{r} Her. Majeſt^{s} Lievt Governo^{r} and Command^{r} in Cheif of the Colony and Dominion of* Virginia—

The humble Addreſs of ye Houſe of Burgeſſ^{s}

May it pleaſe yor Honour—

Wee her Majeſt^{s} moſt Loyall and dutifull Subjects ye Burgeſſ^{s} of this her Majeſt^{s} moſt antient and great Colony and Dominion of *Virginia* in humble manner begg leave to repreſent to yor Honour the Scene we have of your Extraordinary care in taking timely meaſures to ſheild us from the late Threatened Dangers—

When we reflect on thoſe great miſerys that would inevitably have fallen upon us had the powerfull ffleet of the Enimye arrived here and found us without thoſe preparations your Honour made for our protection and defence. And when we reflect upon thoſe Barbarous murders and other miſcheifs the Heathen would have been Encouraged to have perpetrated as well here as in our Neighbouring Colony, had not yor Honours Wiſdome guided you to the meaſures taken for prevention thereof, Wee cannot but look upon our Selves very happy und^{r} yor prudent Conduct—

When wee conſider the fatigues and hardſhipps yor Hono^{r} has undergone and been Expoſed to by your late Undertakeing and Management in the Affaires aforeſaid and how willingly your paines have been contributed therein, Wee cannot but think our Selves highly obliged to your Honours Superlative goodneſs for ye Same—

Wee are truly Sencible wee have no Equivolent to tender Suitable to your merit, but pray your Honours favourable acceptance of our hearty and unfeigned thanks on this occaſion, and our Sincere wiſhes for Honours happineſs and proſperity.

Ordered That the Said Addreſs be fairly tranſcribed and Signed by Mr *Speaker* & that it be preſented to the Governour by ye whole Houſe—

Ordered That the Committee that prepared the ſ^{d} Addreſs Together with the Committee of propoſitions and Greivances and ye Com^{tees} for publick Claimes do wait upon ye Governo^{r} to know his pleaſure when the Houſe ſhall attend him to preſent ye Same—And being returned—

M^{r}

Mr *Holloway* reported yt they had accordingly waited upon ye Governr and that he was pleafed to Say

I appoint to morrow at one a Clock in the Afternoon in the Council Chamber—

And then the Houfe adjourned til to morrow morning Eleven a Clock.—

Thurfday November 22d 1711

THE Houfe went to attend the Governour with the Addrefs. And being returned Mr *Speaker* acquainted the Houfe yt according to the Governours appointment they had been to attend him at one a Clock this day. and had prefented to him ye Addrefs of Thanks which he was pleafed to receive and to Say. I fhall be glad of ye Occafion to return ye like thanks to you Gentlemen of the Houfe of Burgeffs for your Labouring as cheerfully as Sincerely and as free from all Self Intereft as I have done for ye Genll good of this Colony.

An Engroffed Bill entituled *an Act directing the manner of granting Probats and Adminiftration of Inteftates Eftates* was read the third time

Refolved. That ye Bill do pafs

Ordered. That the Committee of propofitions and Grievances do carrye the Said Bill to the Council and defire their Concurrence thereto—

Mr *Holloway* reported that the Committee of propofitions and Greivances, to whom it was referred to prepare and bring in a Bill for ye better Securcing the Government and her Majeftys Subject of this Colony againft ye attempts of Negro & other Slaves had prepared the faid Bill which he prefented to the Houfe and ye Same being received was read the firft time and ordered to be read a Second time—

Mr *Soane* from the Committee appointed to Enquire concerning ffortifycations reported ye proceedings of ye fd Comtee which he read in his place and then delivered in at ye table where ye Same being again read—

Ordered That the Said report be referred to the Comtee of the whole houfe to be confidered when the Houfe fhall refolve it Self into a Comtee of ye whole houfe to confider further of ye Governrs Speech—

Refolved That this Houfe will to morrow refolve it Self into ye faid Committee to confider further of the Said Speech—

A Bill for building a prifon for Debtors to be Committed to by the Generall Court was read the Second time.

And after a Debate

The queftion was put—That the Bill be amended

Refolved in ye affirmitive—And thereupon—

Ordered That the Bill be Committed for Amendments to the Comtee that prepared the Same—.

And then the Houfe adjourned til to Morrow Morning Eleven a Clock.—

Fryday November 23d 1711

MR. *Holloway* reported that the Committee appoynted had according to order waited on the Governour to receive Such propofitions as he fhould think fitt to Communicate to this Houfe relating to the alterations in the Militia And that ye Governor was pleafed to Say he had a meffage from this Houfe the laft Seffion to the Same Effect and to prevent his being mifunderftood as he was then he would Send his anfwer in writing—

Mr *Holloway* reported that the Committee of propofitions and Greivances to whom it was referred to prepare and bring in a Bill to prevent the Strikeing of ffifh by ffire light at unfeafonable times, had prepared the Said Bill which he prefented to ye Houfe and the Same being received was read the firft time and ordered to be read a Second time—

A Bill for the better Secureing the Government and her Majeſts Subjects of this Colony againſt the Attempts of Negro and other Slaves was read a Second time. And after a Debate—

The queſtion was put. That the Bill be amended

Reſolved in ye affirmitive—And thereupon

An amendment being made therein and twice read

Ordered That the Bill with the Amendment be Engroſſed

Upon a Motion made

Ordered That it be referred to the Committee of propoſitions and Greivances to prepare & bring in a Bill to prevent a trade wth the Indians—

Ordered That it be an Inſtruction to the ſaid Committee to provide in ye f^d^ Bill againſt Negro's plotting & conſpiring againſt the Government—

The Houſe (according to order) Reſolved it Self into a Com^tee^ of the whole Houſe to conſider further of ye Governours Speech & after Some time Spent therein Mr *Speaker* reſumed the Chair & Mr *Buckner* Reported from the Said Committee that they had made Some further progreſs in the Said Speech and had directed him to move that they may have leave to Sit againe—

Reſolved That the Houſe will this day reſolve it Self into a Committee of ye whole Houſe to conſider further of y^e^ ſaid Speech—

A written meſſage from the Honble the Liev^t^ Govern^r^ by Mr *Robertſon* with the Severall papers referred to relateing to the Indian Warr of *Carolina* and ye State of that Country the Said meſſage being as followeth—

*M^r^* Speaker *and Gentlemen of the Houſe of Burgeſſ^s^*

Tho' I did in my Speech at the opening this Seſſion very fully lay before you the Dangers to which in my Opinion this Country is Expoſed and have as yet received no account of your reſolutions thereon Neverthelefs that I may not be wanting on my part to Sett that matter in the cleareſt light in order to Excite you to timely meaſures for your own Security—I Send you Severall Letters which I have juſt received from *North Carolina* which contain a Repreſentation of a very diſmall Scene there, of ye Sword peſtilence and famine the greateſt Evils that can befall a Country. By theſe you will See, that a people who give themſelves vp to a Careleſs Security without makeing the neceſſary proviſion for their defence, are lyable to become a Prey to the moſt deſpicable Enimye. and that when people are thus Surprized without a place of Safety to retreat to the Sword of the Enimye is often leſs fatall than the Diſeaſes that proceed from the Inconveniencys they Suffer in their flight—The Members of your own houſe from *Surry* and *New Kent* will alſo informe you of Some diſcoverys in thoſe Countys that may Serve to Satisfye you what may in all probability be our own Caſe if Speedy care be not taken to prevent it. It is likewiſe notorious that the Northern Indians have of late more frequently viſited our ffrontiers And in greater Numbers than heretofore, which may give it Juſt umbrage, conſidering how precarious our peace with them is rendered by the late unfortunate diſappointment at *Canida*. And therefore I hope you will take ſuch vigorous reſolutions as become good Patriots who have the honour and Safety of their Country at heart—And Such as may encourage the Aſſembly of *Carolina* (which is to meet next week) to do their part for the defence of their Country which Seems now to be wholly diſpirited by their Misfortunes as well as Enervated by their Inteſtine Diviſions, I ſhall Conclude with recommending to your Serious conſideration how farr the Succeſs of ye Indians in *Carolina* may encreaſe their power by the Addition of other nations and animate them to the like Attempts here And whether after ye ye loſs of that Country (which Seems to be much dreaded) this Colony will not then have the whole power of thoſe Indians to Encounter. and conſequently the whole Burthen of a Warr to Suſtaine—

A Spotſwood

The ſaid Meſſage and Papers therein referred to were Severally read & referred to ye Com^tee^ of ye whole houſe to be conſidered with the Governours Speech—

Then

Then the Houſe (according to order) reſolved it Self into a Com^tee of the whole Houſe to conſider further of ye Governours Speech—And after ſome time Spent therein Mr *Speaker* reſumed the Chair and Mr *Buckner* reported from the Said Committee that they had made ſome further progreſs on the Said Speech that therewith they had conſidered part of ye report of the Committee appointed to enquire concerning ffortifycations and therein had come to Severall reſolutions which he read in his place and then delivered in at the Table and acquainted the Houſe that the Committee had directed him to move that they may have leave to Sit again—

Reſolved That the Houſe will to morrow Reſolve it Self into a Com^tee of the whole Houſe to conſider further of ye Said Speech—

Then the Houſe proceeded to take into conſideracon the report of the Committee of the whole houſe made upon part of the Govern^rs Speech and upon part of the report of the Committee appointed to Enquire concerning ffortifycations and the Same being read was agreed unto by the Houſe And thereupon—

Reſolved That the Governour be addreſſed upon that part of his Speech which relates to the *Tuſcaruda* Indians—

Ordered That it be referred to the Committee of Propoſitions and Grievances to prepare and bring in the Said Addreſs—

Reſolved That the Sixth Direction of enquiry to the Committee appoynted to Enquire concerning ffortifycations is not by the Said Committee anſwered—

Reſolved. That the Charge of ye preſent Batterys is a Country Charge by the Law—

Reſolved That ye charge of ye preſent Batterys be paid in Tobacco by the Poll—

Mr *William Robinſon* moveing for leave to be abſent from the Service of the Houſe upon Extraordinary occaſion, Leave is accordingly given him

M^r *Eſcrige* Mr *Soane* and Mr *John Bolling* Severally moveing for leave to be abſent from ye Service of ye Houſe on *Tueſday* next upon Extraordinary Occaſion—leave is accordingly given them

And then the Houſe adjourned til to morrow Morning Eleven a Clock—

Saturday November 24.th 1711

A WRITTEN Meſſage from the Honble the Liev^t Governo^r by Mr *Robertſon*

Mr Speaker *and Gentlemen of the Houſe of Burgeſſes.*

In anſwer to Yo^r meſſage for my Directions in amending ye Militia Act I thought I had fully diſcourſed that matter with yor Com^tee Sent on ye like meſſage laſt Seſſion. I'm Sure I have frequently intimated the defects in your preſent Law to moſt of the Gentlemen of the Country and more particularly to the Members of your Houſe on diverſe occaſions So that if you really intend by amending that Law to make your Militia of uſe I'm perſwaded you have a Sufficient foundation to begin vpon. And when you have proceeded So farr as to prepare a Bill. if any omiſſion ſhall happen therein. It may be properly Supplyed by an Amendment from the Council who are no doubt Equally concerned and Zealous for ye defence and Security of their Country

A Spotſwood

The Said Meſſage being read

Reſolved. That a Bill be bro^t in concerning the Militia of this Colony—

Ordered That it be referred to the Com^tee of propoſitions and Greivances to p^pare & bring in the Said Bill—

Mr *Holloway* reported. That the Committee of propoſitions and Greivances had according to order prepared an Addreſs to the Governour upon that part of his Speech which relates to *Tuſcarora* Indians, which he read in his place and then delivered in at ye table where y^e ſame being again read was agreed unto by ye Houſe and is as followeth—

To

To the Honble Alexander Spotſwood *her Majeſts Lieu^t Govr of* Virginia

Wee her Majeſtys moſt Loyall and moſt Dutifull Subjects the Burgeſſes now aſſembled having Serioufly conſidered the Eminent Dangers approaching this Country from Severall Nations of Barbarous Indians Some of which have lately Exerted their Cruelty on our fellow Subjects in our Neighborhood of *North Carolina* think we ſhould be wanting in our Duty to our moſt gracious Queen our Selves and the people wee repreſent if we did not heartily Joyne with your Honour by our utmoſt Endeavours as well as Secureing our Country againſt any attempts from thoſe Enimys as in doing Juſtice on thoſe Savage Murderers

And your Honour having thought fitt in your Speech to this Houſe at ye Opening this Seſſion to acquaint us with a League projected with Severall Governments of the *Tuſcarora* Indians againſt ye Nations who committed ye Maſſacre—

Wee humbly pray yor Honour will be pleaſed to Communicate to this Houſe what advances are made in that Undertaking that we may be the better Enabled to take proper meaſures for acting effectually in Concurrence with yor Hon^r therein—

Ordered That the Said Addreſs be fairly tranſcribed & Signed by Mr *Speaker* and that the Committee y^t prepared it wth Such Members of the Houſe that live on the South Side *James* River do preſent the Same to the Governour—

Mr *Holloway* reported from the Committee to whom the Bill for building a priſon for Debtors to be committed to to [by] Gen^ll Court, was committed. That they have made Several amendments thereunto, which they had Directed him to report to the Houſe which he read in his place and afterwards delivered in at ye table where ye Same were twice read and agreed unto by ye Houſe

Ordered That the Bill wth the Amendments be Engroſſed.—

A Bill to prevent the Strikeing of ffiſh by fire light at unſeaſonable times and read the Second time—And after a Debate—The queſtion was put

That the Bill be Engroſſed

It paſt in the Negative—And thereupon—

Reſolved That the Bill be Rejected—

An Engroſſed Bill entituled *an Act for the better Secureing the Government and her Majeſtys Subjects of this Colony againſt the Attempts of Negro and other Slaves* was read the third time—

Reſolved That the Bill do paſs—

Ordered That the Committee of propoſitions and Greivances do carrye ye Said Bill to ye Council & deſire their Concurrence thereto—

Mr *Waller* moving for leave to be abſent from ye Service of the Houſe upon Extraordinary Occaſion Leave is accordingly given him—

The Order of the Day being read

Reſolved That this Houſe will on *Munday* next reſolve it Self into A Com^tee of ye whole Houſe to conſider further of ye Governo^rs Speech—

And Then the Houſe adjourned til *Monday* morning Eleven a Clock.

Monday November 26th 1711

THE Houſe was called over. And thereupon—

Ordered That Mr *Goodrich* and Mr *Bird* be not admitted to take their places in the Houſe til they have made their Excuſes at the Barr of the Houſe for abſenting themſelves from the Service of it—

An Engroſſed Bill entituled *an Act for building a priſon for Debtors to be Committed to by the Generall Court* was read the third time—And after a Debate upon the queſtion put.

Reſolved That the Bill do paſs.—

Ordered

Ordered That the Committee of propoſitions and Greivances do carrye the Said Bill to the Council and deſire their Concurrence thereto—

The Houſe being informed that Mr *Goodrich* is ready to attend the Service of the Houſe and he being thereupon called to the Barr and having made his Excuſe for his abſence was ordered to withdraw And being withdrawn—

Ordered That he be admitted to take his place in the Houſe.

A written Meſſage from the Honble the Lievt Governr by Mr *Robertſon*—

Mr Speaker *and Gentlemen of the Houſe of Burgeſſ*

In anſwer to your Addreſs of laſt *Saturday* praying me to Communicate to you what advances are made in the League projected with the *Tuſcarora* Indians. I now acquaint you. that thoſe people have failed to come in, according to their promiſe: nor, if they were arrived ſhould I venture to proceed in concluding any Treaty with them, without firſt having aſſureances from yor Houſe that You will Enable me to performe the Termes of it—

November 26. 1711. *A Spotſwood*

The Said Meſſage was read and referred to the Committee of the whole Houſe to be conſidered wth the Governrs Speech—

The Order of the day being read

Reſolved That this Houſe will to morrow morning reſolve it Self into a Commtee of ye whole houſe to conſider further of ye Governrs Speech—

And then the Houſe adjourned til to morrow Morning eleven a Clock

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Tueſday November 27th 1711

A MEMBER of the Houſe moving for leave to bring in ye Petition of *ffrancis Yeats*. leave is accordingly given him and thereupon the Same was preſented to the houſe and read praying that for Severall reaſons in the ſaid petition alledged a Bill may be brought in Inveſting him in the ffee Simple of Three hundred Acres of Land lying in the County of *Richmond* which he now holds in ffee tayl &c:

Ordered That leave be given to bring in a Bill upon the Subject matter of the Said Petition and that Mr *Allerton* and Mr *Tarpley* do prepare and bring in the Bill—

A Member of the Houſe moving for leave to bring in the Claimes of the *Iſle: wight* Militia, leave is accordingly given him, and the Same being preſented to the Houſe was referred to the Conſideration of ye Committee for publick Claimes to Examine the Subject matter thereof and report the Same wth their Opinions therein to ye houſe—

The Houſe (according to order) Reſolved it Self into a Committee of the whole houſe to conſider further of ye Governours Speech And after Some time Spent therein Mr *Speaker* reſumed ye Chair and Mr *Buckner* reported from the Said Committee that they had made Some further progreſs in the Said Speech, that they had therewith conſidered the Governours meſſage to the houſe Yeſterday and that they had alſo gone through the report of the Committee appointed to inquire concerning ffortifycations and therein had come to Severall reſolutions which he read in his place and then delivered in at the table where the Same being again read were with an Amendment to one of them, agreed vnto by the houſe And therevpon

Reſolved That any proof that ſhall be convincing to the Commtee of Claimes ſhall be Sufficient proof to that Committee whereon to allow any Claimes for publick Services.

Reſolved That the Governour be addreſſed to declare Warr againſt the *Tuſcarora* Indians and their Adherents and that he be aſſured that this Houſe will Exert it Self to the utmoſt in giving Such Speedy and effectuall Supply as may Enable him to proſecute and carrye on the Said Warr til he ſhall procure a Safe and Laſting peace, and that he be further Addreſſed That if he thinks fit to declare warr he will be pleaſed to lay before the Houſe an Eſtimate of the Charge of carrying it on for Six Months—

Ordered

Ordered That it be referred to the Committee of propoſitions and Greivances to prepare & bring in the ſaid Addreſs—

Then Mr *Buckner* acquainted the houſe that the Committee of the whole houſe had directed him to move for leave to Sit again—to conſider further of the Governours Speech and therevpon

Reſolved That the Houſe will to morrow Reſolve it Self into a Committee of the whole Houſe to conſider further of ye Said Speech—

A member of the Houſe moving for leave to bring in ye Claim of *Suſanna Allen* Leave is accordingly given him, and the Same being preſented to ye houſe was read and referred to the Commtee of publick Claimes to report their Opinions thereon—

And then the Houſe adjourned til to morrow morning Eleven a Clock.—

Wedneſday November. 28th 1711

UPON a motion made—

Ordered. That leave be given to the Committee of Propoſicons & Greivances to inſert a Clauſe in the Addreſs to the Governour to them referred to be prepared, relating to Treatys and Allyances to be made with the Government of *North Carolina* or any other Governments

Then Mr *Holloway* reported that the Comtee of propoſitions and Greivances had (according to order) prepared the Addreſs to the Governour which he read in his place and afterwards delivered in at the table where the ſame being again read was with Some Amendments agreed unto by the Houſe. and is as followeth—

To the Honble Alexander Spotſwood *her Majeſtys Lievt Governor of* Virga—

Wee her Majeſts moſt Loyall and dutifull Subjects the Burgeſſe now mett in Aſſembly being deeply Sencible of the horrid Barbaritys Murders and hoſtilitys lately committed upon her Majeſts Subjects in *North Carolina* by certain Indians of the *Tuſcaroro* Nation And duly conſidering the dangers which dayly threaten the Inhabitants of this Colony from that nation humbly entreat your Honour as well for the defence and Security of this Country as for doing right to our Injured and oppreſſed Neighbors that you will be pleaſed to declare Warr againſt thoſe *Tuſcarora* Indians their Adherents and Abettors. And to enter into Such Treatys and Allyances with the Government of *North Carolina* or any other Governments as for that purpoſe to yor Honor ſhall Seem proper—

And being Sencible that the Succeſs of Such undertakings under the Divine favour and goodneſs will in great meaſure depend on proviſion to be made Suitable thereunto—

Wee begg leave to aſſure your Honor that wee will Exert or Selves to the vtmoſt in giving ſuch timely Supplys as ſhall be Sufficient to Enable your Honor Effectually to performe and make good your Treatys and Allyances as alſo to proſecute and finiſh the Said Warr to the Honour of her Majeſty and to the Safety and well fare of her Subjects—

And if yor Honour ſhall think fit to denounce warr Wee pray you will be pleaſed to lay before us an Eſtimate of ye Charge of carrying on that Service for Six months that thereby we may concert proper methods for raiſing a fund Sufficient to anſwer the intended Deſign—

Ordered That the Said Addreſs be fairly tranſcribed & Signed by Mr *Speaker* and that it be preſented to the Governor by ye whole Houſe—

Ordered That the Committee that prepared the Said Addreſs with Such Members of this houſe that live on the Southſide *James* River do wait upon the Governour to know his pleaſure when the Houſe ſhall attend him to preſent the Same. And being returned Mr *Holloway* reported that they had accordingly waited upon the Governour to know when he would pleaſe to be attended by this Houſe and that the Governour had been pleaſed to appoynt this afternoon at Two a Clock in ye Council Chamber

A

A meſſage from the Council by Mr *Robertſon* That the Council have agreed to the Bill Entituled *an Act to reſtraine perſons from keeping horſes and Breeding Mares who have not Land to keep them on* with Some Amendments to which they deſire the Concurrence of this houſe

Alſo That the Council have agreed to the Reſolve of this Houſe giving liberty to *John Broadnax* to make alterations in the Publick Goal at ye Charge of ye Country.—

Mr *Turpley* reported that the perſons appointed had (according to order) prepared a Bill to Enable *ffrancis yeates* of ye County of *Richmond* to convey certain entailed Lands to *John Tayloe* Gentleman in lieu of other Lands and Negro's of greater value to be Setled to the Same uſes which he preſented to the Houſe and the Same being received was read the firſt time and Ordered to be read a Second time—

The Houſe went to attend the Governour with their Addreſs and being returned Mr *Speaker* acquainted the Houſe that they had preſented the Said Addreſs to the Governour and that he was pleaſed to give this Anſwer

Mr Speaker *and Gentlemen of the Houſe of Burgeſſes.*

I am very glad that in this Extraordy Conjuncture I have the Opertunity of adviſeing with the Repreſentatives of the People whoſe Diſpoſition I would ever conſult in ye makeing of Peace or warr—

In either Caſe I ſhall conſtantly endeavour to give you proofs that I have nothing more at heart than to Serve this Country—

I heartily thank you for the aſſurances you give me of Sufficient & timely Supplys if there be no other means left to right our Injured Brethren and Secure our Selves but by Warr—I ſhall Soon lay before you the moſt frugall Eſtimate of the Charge thereof that I am capable of makeing.

The Houſe proceeded to take into conſideration the Amendments propoſed by ye Council to the Bill Entituled *an Act to reſtrain perſons from keeping horſes and breeding mares who have not Land to keep them on* and the Same being read were diſagreed unto by ye Houſe

Ordered That the Committee of propoſitions and Grievances do carrye the Said Bill to the Council and acquaint them that this houſe hath diſagreed to their amendments and deſire their Honours to paſs the Bill without thoſe Amendments.

Reſolved That the Houſe will to morrow Reſolve it Self into a Committee of the whole Houſe to conſider further of ye Governrs Speech—

And then the Houſe adjourned til to morrow morning Eleven a Clock.

Thurſday. November. 29th 1711

MR. *Robert Bolling* moving for leave to be abſent from the Service of the Houſe on *Saturday Munday Tueſday* and *wedneſday* next upon Extraordinary occaſions Leave is accordingly given him—

A Bill to Enable *ffrancis Yeates* of the County of *Richmond* to convey certain Entailed Lands to *John Tayloe* Gentleman in lieu of other Lands and Negro's of greater value to be Setled to the ſame uſes was read the Second time and an Amendment being made therein and twice read

Ordered That the Bill wth the Amendment be Engroſſed.

A meſſage from the Council by Mr *Robertſon.* That ye Council have paſſed a Bill entituled *an Act Eſtabliſhing ports Ware houſes Rowling houſes and Publick Landings and for aſcertaining the prices of Storeage* to which they deſire ye Concurrence of this Houſe—

The Said Bill was read the firſt time & ordered to be read a Second time on *Tueſday* next—

Mr *Chriſtopher Robinſon* moving for leave to be abſent from ye Service of ye Houſe on *Saturday* and *Munday* next upon Extraordinary occaſions Leave is accordingly given him—

Mr

Mr *Goodrich* moving for leave to be abſent from the Service of the houſe til *Munday* next upon Extraordinary occaſions. Leave is accordingly given him—

Mr *Dudley* moving for leave to be abſent from the Service of the Houſe on *Saturday, Monday* and *Tueſday* next upon Extraordry Occaſions Leave is accordingly given him—

Mr *Buckner* reported that the Committee for Publick Claimes had (according to order) conſidered the petition of Mrs *Elizāb Harriſon* widdow and Adminiſtx of the Eſtate of *Benjamin Harriſon* Junr late Treaſurer of this Colony of *Virginia* gent decēd, and had agreed upon a report which he read in his place and then delivered it in at the Table where the Same was ordered to lye—

Mr *Drummond* reported that the perſons appoynted had (according to order) prepared a Bill to diſſolve the pretended Veſtry of the pariſh of *Accomack* in the County of *Accomack* and to appoint an Election of Veſtrymen to be made, which he preſented to the Houſe and the Same being received was read the firſt time & ordered to be read a Second time—

Mr *Holloway* reported that the perſons appointed had (accordg to order) Examined into the Allegations of the Petition of *Robert Read* and had thereupon agreed on a report which he read in his place and then delivered in at ye Table where ye Same being again read and conſidered.

Ordered. That the Said Petition be Diſmiſt.

Upon a motion made—

The Houſe was called over and thereupon the Houſe being informed that Mr *Bird* was ready to attend the Service of the Houſe he was (according to a former order) called to ye Barr to make his Excuſe for his abſence, & he having accordingly made his Excuſe was ordered to withdraw, and being withdrawn upon the queſtion put he was Excuſed & ordered to take his place in the Houſe—

A meſſage from the Council by Mr *Robertſon* That ye Council have agreed to the Bill entituled *an Act Directing ye manner of granting Probats and Adminiſtration of Inteſtates Eſtates* with ſome Amendments to which they deſire the Concurrence of this Houſe—

The Houſe proceeded to take the Said Amendments into Conſideration and the Same being read were agreed unto by ye Houſe & made in the Bill—

Ordered That the Committee of propoſitions and Greivances do carrye the Said Bill to the Council and acquaint them that the Same is amended according to the Amendments by them propoſed.

Reſolved That the Houſe will to morrow Reſolve it Self into a Committee of ye whole houſe to conſider further of the Governrs Speech.

And then the Houſe adjourned til to morrow Morning Eleven a Clock.

Fryday November. 30th 1711

A MESSAGE from the Council by Mr *Robertſon* That the Council have agreed to the Bill entituled *an Act for building A Priſon for Debtors to be Committed to by the Genll Court*—without any amendments—

A Bill to diſſolve the pretended Veſtry of the Pariſh of *Accomack* in the County of *Accomack* and to appoint an Election of Veſtry Men to be made was read a Second time And thereupon A member of the Houſe moved for leave to bring in a Copy from the Said Veſtrys Book. to prove the Legality of the Veſtry and leave being given him the Said Copy was preſented to the Houſe and read And after a Debate—

The queſtion was put That the Bill be Engroſſed which paſſed in the Negative. And thereupon—

Ordered That the Bill be rejected

An

An Engroſſed Bill entituled *an Act to Enable* ffrancis Yeates *of the County of* Richmond *to convey certain Entailed Lands to* John Tayloe *Gent. in lieu of other Lands and Negro's of greater value to be Setled to the ſame uſes* was read the third time

Reſolved. That the Bill do paſs.—

Ordered That Mr *Tarpley* and Mr *Allerton* do carrye the Said Bill to the Council and deſire their Concurrence thereto—

A written meſſage from the Honble the Lievtent Governor by Mr *Robertſon* with an Eſtimate of the Charge of the intended Expedition agt the *Tuſcarora* Indians their Adherents and Abettors the ſaid meſſage being as followeth—

Mr Speaker *and Gentlemen of the Houſe of Burgeſſ*

After your Addreſs preſented to me on the 28th Inſtant I Did with the unanimous conſent of the Council come to a Reſolution forthwith to make preparations of Warr againſt the *Tuſcarora* Indians their Adherents and Abettors And purſuant to your deſire I have herewith Sent you an Eſtimate of the Charge (as farr as I can foreſee) of Such an Expedition as in my Opinion may be effectual for Subdueing thoſe Indians and Secureing the future peace of this Country. What I have offered to rate you may ſee by the Proclamation herewith Sent is a more moderate Encouragement than had been given this year to Voluntiers upon the like Occaſion and I do aſſure you that the Offycers pay, comes farr ſhort of what they receive in the Queens Regular Troops I hope the manner of providing for and paying thoſe that are to run through both dangers and Inconveniencys for their Countrys Safety will make the Expedition conſiſt of Voluntiers and not of preſſed men for I am fully perſuaded that no one will be willing to go Commandr in cheif of the latter

November 30th 1711 *A Spotſwood*

The ſaid meſſage and Eſtimate being read

Reſolved That this houſe will to morrow morning Reſolve it Self into a Comtee of ye whole houſe to conſider the ſd meſſage and Eſtimate, and alſo to conſider of wayes and meanes to raiſe Supplys for carrying on the intended Expedition againſt the *Tuſcarora* Indians their Adherents and Abettors—

Reſolved That this Houſe will on *Munday* next reſolve it Self into a Committee of the whole Houſe to conſider further of the Governrs Speech.

And then the Houſe adjourned til to Morrow Morning Ten a Clock—

Saturday December firſt 1711

THE Houſe (according to order) reſolved it Self into a Committee of the whole houſe to conſider the meſſage and Eſtimate from the Governr and alſo to conſider of ways and meanes to raiſe Supplys for Carrying on the Intended Expedition againſt the *Tuſcarora* Indians their Adherents and Abettors and after Some time Spent therein, Mr *Speaker* reſumed the Chair and Mr *Chriſtopher Robinſon* reported from the ſaid Comtee that they had come to ſome Reſolutions which he read in his place and then deliverd in at the Table where ye Same being again read were agreed unto by the Houſe and are as follow—

Reſolved That ye Supplys for carrying on the intend Expedition againſt ye *Tuſcarora* Indians their Adherents and Abettors be raiſed in money.

Reſolved That a Sume not Exceeding Twenty Thouſand pounds be raiſed for carrying on the Said Expedition—

Mr *Chriſtopher Robinſon* alſo acquainted the Houſe That he was directed by the Committee to move that they may have leave to Sit againe—

Reſolved That this Houſe will upon *Munday* next Reſolve it Self into a Comtee of the whole houſe to conſider further of wayes and meanes for raiſing Supplys for carrying on the intended Expedition againſt ye *Tuſcarora* Indians their Adherents and Abettors—

Then the Houſe adjourned til *Munday* morning Ten a Clock—

Munday

Munday December 3d. 1711

THE Houſe according to order Reſolved it Self into a Comtee of ye whole Houſe to conſider further of ways and meanes for raiſing Supplys for carrying on the intended Expedition againſt the *Tuſcarora* Indians their Adherents and Abettors & after ſome time Spent therein Mr *Speaker* reſumed ye Chair and Mr *Chriſtopher Robinſon* reported from the ſaid Committee that they had come to Some Reſolutions which he read in his place and afterwards delivered in at ye table where the Same being again read were with ſome Amendments agreed unto by the Houſe and are as follow—

Reſolved That a Duty be Laid upon *European* goods Imported

Reſolved That the Said Duty be Six per Cent. and that it continue for One year

Reſolved That a Duty be Laid upon Every hogſhead Tobacco exported to anſwer what ſhall be wanted to Comply with the Supplys intended when all other ways and meanes are conſidered—

Reſolved That a Duty be laid upon Pork, pitch and Tarr imported and Exported and alſo that a Duty be laid upon Wheat and Indian Corne Exported

Reſolved That the Duty upon Pork be two and Six pence per Barreli—

Reſolved That ye Duty upon Pitch be Eighteen pence per Barrell and that the Duty upon Tarr be twelve pence per Barrell—

Reſolved That the Dutys upon Pork pitch and Tarr continue for three yeares

Reſolved That ye Duty upon wheat be Six pence per Buſhell & yt ye Duty upon Indian Corne be three pence per buſhell—

Reſolved That the Said Dutys continue for One year

Reſolved That a Duty be laid upon Deerſkins Exported

Reſolved That the Duty upon Buckſkins be Six pence per ſkin That the Duty upon Dóe ſkins be three pence per Skin & yt ye Sd Dutys continue for three yeares.—

Reſolved That it be referred to the Comtee of propoſitions and Grievances to make an Eſtimate of what may be raiſed by the Dutys before Enumerated and alſo to report their Opinions what duty ſhall be laid upon Tobacco & for what time to compleat the Supplys reſolved upon—

Reſolved That this houſe will upon *Wedneſday* next Reſolve it Self into a Commtee of the whole houſe to conſider further of the Governrs Speech—

Mr *Maſon* moving for leave to go into the Country upon Extraordinary Occaſions, leave is accordingly given him—

And then the Houſe adjourned til to Morrow Morning Ten a Clock.—

Tueſday December. 4th 1711

MR. *Curl* a member of this Houſe moving for leave to bring in his Claim for Diſburſements for a Spye Sloop &c, leave is given him—

A member of the Houſe moving for leave to bring in the Claim of Mr *Samuel Matthews* for Summoning a Venire, Leave is given him—

And the Said Claims being preſented to the Houſe were referred to the conſideration of the Committee for Publick Claimes to report their Opinions thereon.

An Engroſſed Bill from the Council entituled *an Act eſtabliſhing Ports. Warehouſes, Rowling houſes, and publick Landings and for aſcertaining the prices of Storage* was (according to order) read a Second time And after a Debate.

The queſtion being put That ye Bill be Committed for amendments

It paſſed in the Negative

Mr *Holloway* reported That ye Committee of propoſitions & Greivances to whom it was referred to make an Eſtimate of what may be raiſed by ye Dutys reſolved upon by this Houſe as alſo to report their opinions what Duty ſhall be laid upon Tobacco and

and for what time to compleat ye Supplys to be raiſed, had agreed upon a report relating to thoſe matters, which he read in his place and afterwards delivered in at the table where ye Same was again read and is as follows. *vizt*—

The Committee taking into conſideration what may be raiſed by the Severall Dutys reſolved by this Houſe to be laid on *European* goods imported as alſo on pork pitch Tar Indian Corne wheat and Skinns Exported and having made an Eſtimate thereof according to the Severall rates and for the times menc̃oned in ye Reſolves of this houſe do report as followeth

That it is the Opinion of this Committee

That the goods vſually imported into this Colony from *Europe* in One year do amount to the value of One hundred Twenty five thouſand pounds on which a Duty of Six per Cent will produce for One year ..... £ 7500

That Six thouſand barrells of pork are comonly Exported from this Colony in One Year on which a duty of two Shillings and Six pence a barr^ll^ for three Yeares will raiſe ..... £ 2250

That three Thouſand barr^lls^ of pitch are comonly Exported from this Colony in One year on which a duty of One ſhilling and Six pence a Barrell for three yeares will raiſe ..... £ 0675

That three thouſand ffive hundred barrells of Tarr are comonly Exported from the Colony in One year on wch a Duty of One ſhilling a barr^l^ for three yeares will raiſe ..... £ 0525

That Two hundred Thouſand buſhells of Indian Corne are comonly Exported in one year from this Colony on which a Duty of Three pence a Buſhell for one year will raiſe ..... £ 2500

That forty Thouſand Buſhells of Wheat are comonly Exported from this Colony in One year on which a Duty of Six pence a buſhell for One year will raiſe ..... £ 1000

That Seven Thouſand Buck ſkinns are comonly Exported from this Colony in one year on which a Duty of Six pence a ſkinn for three yeares will raiſe ..... £ 0525

That fourteen Thouſand Doe ſkinns are comonly Exported from this Colony in One year on which A Duty of Three pence a ſkin for three yeares will raiſe ..... £ 0525

15500

The Committee proceeding to take into their conſideracõn what Duty ſhould be laid on Tobacco for raiſing the remainder of ye Sum̃e of Twenty thouſand pounds are of Opinion the Same may be moſt properly done by laying a further Duty of four pounds per Cent on *European* goods imported for one year which according to ye Eſtimate above mentioned will raiſe the further Sum̃e of ffive thouſand pounds which is Submitted to ye conſideration of this Houſe—

The Said report being read a Second time was agreed unto by ye houſe.

Ordered, That a Bill be brought in upon the Reſolutions of this Houſe for laying Dutys and that it be referred to the Committee of propoſitions and Greivances to prepare and bring in y^e^ ſ^d^ Bill

Ordered That it be an Inſtruction to the Said Committee to aſcertain in the Said Bill the Rates that foreign Coined Gold and the rates that *Engliſh* money ſhall paſs at.—

Mr *Dudley* moving for leave to be abſent from the Service of the Houſe upon Extraordinary occaſions. leave is accordingly given him—

And then the Houſe adjourned til to Morrow Morning ten a Clock.

Wedneſday

Wedneſday December. 5th 1711

THE petition of *C. C. Thacker* Clerk of the Honble the Secretarys Office being referred by the Honble Council to the conſideracõn of this houſe was read praying his vſuall allowance as Clerk of the ſaid Office may be Levyed for him And—

The Petition of *Edward Roſs* being referr'd by the Honble Council to the conſideracõn of this houſe was read praying to be allowd for the ferryage of diverſe Indians over *James* River—

Ordered That the conſideracõn of the ſaid Petitions be referred to the Comtee for publick Claimes to report their opinions thereon—

A Meſſage from the Council by Mr *Robertſon*, That the Council have paſſed the Bill entituled *an Act directing the manner of granting Probats and Adminiſtration of Inteſtates Eſtates* as amended—

Reſolved That this Houſe will to morrow Reſolve it Self into a Committee of ye whole houſe to conſider further of ye Governours Speech—

Upon a motion made.

Ordered That a Bill be brought in to puniſh Mutiny and Deſertion in the forces that ſhall be raiſed on the intended Expedition againſt the *Tuſcarora* Indians their Adherents and Abettors and that the Committee of propoſitions and Greivances prepare and bring in the Said Bill—

The Houſe proceeded to take into conſideration the report of the Comtee of publick Claimes made upon the Petition of Mrs *Elizabeth Harriſon* Adminix of the Eſtate of *Benjamin Harriſon* Junr Gentl decẽd and the Said report being read after a debate.

The queſtion was put. That the ſame be agreed to

Reſolved in the affirmative—And thereupon—

Reſolved That an Allowance be made to the ſaid Mrs *Harriſon* for the difference of Exchange between *Sterling* & Current money on £781 : 14 : 2¾

Than after a Second Debate upon two other queſtions put—

Reſolved That the ſaid difference be Six pounds per Cent—and that for the Same there be paid unto her out of the publick moneys in Mr *Treaſurers* hands the Suñe of forty Seven pounds one ſhilling and ten pence—

Ordered That the Committee for publick Claimes do carrye Copys of the Said Reſolves to the Council and deſire their Concurrence thereto—

Mr *Hawkins* moving for Leave to be abſent from the Service of the Houſe upon Extraordinary Occaſions, Leave is given him—

And then the Houſe adjourned til to morrow Morning ten a Clock

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Thurſday December 6th 1711

MR. *Buckner* from the Committee of Publick Claimes reported That the Said Committee had taken into conſideracõn the Severll Claimes to them referred, and therein had agreed upon Severll Reſolutions, which they had entered into a Book called the book of reports of the Committee for publick Claimes which he prſented to ye Houſe and the Same being received, the Houſe proceeded to ye Conſideration thereof, and part of the ſaid book was read and agreed unto by the Houſe with ſome amendments

Ordered That the Said book be further conſidered to morrow—

Mr *Holloway* moving for leave to go into the Country for Recovery of his health—Leave is given him—

A Meſſage from the Council by Mr *Robertſon*. That the Council have agreed to the Bill entituled *an Act to Enable* ffrancis Yeates *of the County of* Richmond *to convey certain Entailed*

Entailed Lands to John Tayloe *Gent in lieu of other Lands and Negroes of greater value to be fetled to the Same ufes*, without any Amendments

Alſo that the Council do adhere to their Amendments to the Bill entituled *an Act to reſtrain perſons from keeping horſes and Breeding Mares who have not Land to keep them on*, which were diſagreed unto by this Houſe—

Mr *Holloway* reported that the Committee of propoſitions and Greivances had (according to Order) prepared a Bill for granting to her Majeſty certaine Dutys upon Severall goods and Merchandizes for carrying on a Warr againſt the *Tuſcarora* Indians their Adherents and Abettors which he preſented to the Houſe and the Same being received was read the firſt time and ordered to be read a Second time—

Reſolved That this Houſe will to morrow Reſolve it Self into a Committee of the whole Houſe to conſider further of the Governors Speech—

And then the Houſe adjourned til to Morrow Morning Ten a Clock.

Fryday December the 7th 1711

A BILL for granting to her Majeſty certain dutys upon Severall goods and merchandizes for carrying on a Warr againſt the *Tuſcarora* Indians their Adherents and Abettors was read a Second time and committed to a Committee of the whole houſe, And thereupon—

The Houſe reſolved it Self into the ſaid Committee and after Some time Spent therein

Mr *Speaker* reſumed the Chair and Mr *Holloway* reported from the Said Committee that they had gone through the Bill and made Severall Amendments thereunto which he read in his place and afterwards delivered in at ye table where the Same were twice read and (with Some Amendments to Some of the ſaid Amendments) agreed unto by the Houſe—

Ordered That the Bill with the Amendments be Engroſſed

Ordered That the Book of Reports of the Committee for publick Claimes be further conſidered to Morrow—

Reſolved That this Houſe will to morrow reſolve it Self into a Committee of the whole houſe to conſider further of the Governors Speech—

Upon a motion made—

Ordered That a Bill be brought in appointing Mr *Speaker* to be Treaſurer of the Dutys now laid and that the Committee of propoſitions and Greivances prepare and bring in the Said Bill—

Mr *ffrancis Epes* moving for leave to be abſent from ye Service of the Houſe til *Munday* next upon Extraordinary Occaſions, leave is given him—

And then the Houſe adjourned til to Morrow Morning ten a Clock.—

Saturday December. the. 8th 1711

AN Engroſſed Bill entituled *an Act for granting to her Majeſtye certain Dutys upon Severall goods and Merchandizes for carrying on a Warr againſt the* Tuſcaroro *Indians their Adherents & Abettors* was read the third time and Some Amendments being made therein and thrice read—

Reſolved Nemine Contradicente

That the Bill as amended do paſs.

Ordered That ye Committee of propoſitions and Greivances do carrye ye ſd Bill to the Council and deſire their Concurrence thereto—

Upon a motion made

Ordered

Ordered That Mr *Eſcrige* be added to the Committee of propoſitions and Greivances—

Upon a motion made.

Ordered That a Bill be brought in appointing Rangers at the heads of the four great Rivers and yt the Comtee of propoſicons & Greivances prpare and bring in the Said Bill—

A Member of the Houſe moving for leave to bring in the Petition of *John Cuſtis* and *ffrances* his wife Leave is given him & thereupon ye Same was preſented to ye Houſe and read praying that they may have leave to preferr a Bill Enabling them to Sell a Mill and certain Lands and Slaves Entailed on the Said *ffrances* by the Deviſe of *Daniel Parke* Eſqr decēd for payment of the Debts and Legacys of ye fd *Daniel* &c.

Ordered That leave be given to bring in a bill according to the prayer of the Said Petition that Mr *John Robinſon* Mr *Eſcrige*, and Mr *Allerton* do prepare & bring in ye Said Bill & that they alſo Examine the Allegations of the Said Petition—

Ordered That the book of reports of the Committee for publick Claimes be further conſidered on *Monday* next.

Reſolved That this Houſe will on *Monday* next Reſolve it Self into a Committee of the whole Houſe to conſider further of the Governours Speech—

And then the Houſe adjourned til *Monday* Morning ten a Clock.—

Monday. December. 10th 1711

MR. *Allerton* reported that ye Committee of propoſitions & Greivances had (according to order) prepared Severall Bills which he prſented to the Houſe and ye Same being received.

A Bill for raiſing a Land force for carrying on a Warr againſt the *Tuſcarora* Indians their Adherents and Abettors & for puniſhing Mutiny and Deſertion & for payment of ye Army was read the firſt time & ordered to be read a Second time—

A Bill appoynting a Treaſurer was read the firſt time & ordered to be read a Second time—

A Bill to prevent trading with Indians and the conſpiring of Slaves was read the firſt time, And after a Debate

The queſtion was put. That the Bill be read a Second time

Reſolved in the affirmative And thereupon.

Ordered That the Bill be read a Second time—

Mr *John Robinſon* reported that the perſons appointed had (according to order) Examined into the Allegations of ye Petition of *John Cuſtis* and *ffrances* his wife & had thereupon agreed on a report which he read in his place & then delivered in at ye Table—

He alſo reported that the ſaid perſons had (according to order) prepared a Bill to Enable *John Cuſtis* and *ffrances* his wife to Sell a mill with certain lands and Negro's which are entailed on the fd *ffrances* by the laſt Will and Teſtament of *Daniel Parke* Eſqr decēd for payment of the Debts and Legacys of the Said *Daniel* which he preſented to the houſe and the Same being received.—

After a Debate the queſtion was put

That the Bill be read the firſt time—

Reſolved in the Affirmative—And thereupon the Same was read the firſt time and ordered to be read a Second time—

Ordered That the Committee of Elections and Priviledges take into their conſideracon the Returns on the writts for Electing a Burgeſs to Serve in this Aſſembly for Each of the Countys of *Henrico* and *Prince George* and that they Report their Opinions thereon to the Houſe—

The

The Houſe (according to order) proceeded on the further conſideration of the book of reports of the Committee of Publick Claimes, and ſome other parts thereof being read was agreed unto by the Houſe with Some Amendments.

Ordered That the Said book be further conſidered to morrow—

Reſolved That this Houſe will to morrow reſolve it Self into a Committee of ye whole houſe to conſider further of the Governours Speech—

And then the Houſe adjourned til to morrow morning ten a Clock.

Tueſday December the 11th 1711

MR. *Allerton* reported that ye Committee of propoſitions & Greivances had (according to order) prepared a Bill appoynting Rangers at the heads of *James York Rappahannock* and *Potomeck* Rivers which he preſented to the Houſe and the Same being received was read the firſt time and ordered to be read a Second time—

A Bill for raiſing a Land force for carrying on a Warr againſt the *Tuſcarora* Indians their Adherents and Abettors & for puniſhing Mutiny and Deſertion and for payment of the Army was read the Second time and Some Amendments being made therein & twice read the Bill was committed for further Amendments to the Committee that prepared the Same—

A Bill appointing a Treaſurer was read the Second time & Some Amendments being made therein and twice read—

Ordered That the Bill with the Amendments be Engroſſed

A Bill to prevent trading with Indians, and the conſpiring of Slaves was read a Second time And after a Debate The queſtion was put.

That the Bill be Engroſſed. which paſſed in the Negative And thereupon

Ordered That the Bill be Rejected.

A Bill to Enable *John Cuſtis* and *ffrances* his wife to Sell a Mill with certain Lands and Negro's which are Entailed on the Said *ffrances* by the laſt will and Teſtament of *Daniel Parke* Eſq^r^ deceā for payment of the Debts and Legacys of the ſaid *Daniel* was read a Second time—

Ordered That the Bill be Engroſſed

The Houſe (according to order) proceeded on the further conſideraēon of the Book of Reports of the Committee for Publick Claimes and the Same being read over it was with Some Amendments agreed unto by the Houſe—

Then the Houſe proceeded to take into conſideration the Allowances for the reſpective Offycers that have attend^d^ this Seſſion of Aſſembly and the Said Allowances being agreed on by the Houſe were added to the Book of Claims.

Mr *Burwell* moving for leave to be abſent from the Service of the Houſe til *Thurſday* next upon Extraordinary occaſions Leave is accordingly given him—

Mr *Holloway* from the Committee of Propoſitions & Greivances to whom the Bill for raiſing a Land force for carrying on a Warr (againſt the *Tuſcarora* Indians their Adherents and Abettors was committed for further Amendments reported that the Said Committee had added a Clauſe to the Bill which he read in his place and then delivered in at the table where the Same was twice read and agreed unto by the Houſe—

Ordered That the Bill with the Amendments be Engroſſed.

Reſolved That this Houſe will to morrow reſolve it ſelf into a Committee of the whole Houſe to conſider further of the Governours Speech—

Ordered That the Houſe be called over to morrow morning at eleven a Clock and that Every Member then failing in his Duty of attend^ce^ be lyable to the Cenſure of the Houſe—

And then the Houſe adjourned til to Morrow Morning ten a Clock.—

Wedneſday

Wednesday December the. 12th 1711

MR. *Buckner* reported That the Committee of Publick Claimes had (according to order) considered the Claim of Mr *Nicholas Curl* for Disbursements on the Spye Sloop and thereon had come to a resolution which he read in his place and then delivered in at the Table where the Same being again read & considered

Resolved. That it is the Opinion of this House That the Said Claim is not a Country Charge—

The House (according to order) was called over and thereupon—

Ordered That Mr *Goodrich* a Member of this House, be sent for in Custody of the messinger to answer his default in not attending (according to his Duty) the Service of the House, and that Mr *Speaker* issue his warrant accordingly.

Mr *Neal* moving for Leave to go into the Country for recovery of his health leave is accordingly given him—

A Bill appointing Rangers at the heads of *James York Rappahanock* and *Potomeck* Rivers was read a Second time and Some amendments being made therein and twice read

Ordered That the Bill with the Amendments be Engrossed.

An Engrossed Bill entituled *an Act for raising a Land force for carrying on a Warr against the* Tuscarora *Indians their Adherents and Abettors and for punishing Mutiny and Desertion and for payment of the Army* was read the third time—

Resolved Nemine Contradicente—

That the Bill do pass

An Engrossed Bill entituled *an Act appointing a Treasurer* was read the third time, and an Amendment being made therein and thrice read.

Resolved Nemine Contra dicente

That the Bill as amended do pass.

An Engrossed Bill entituled *an Act to Enable* John Custis *and* ffrances *his wife to Sell a Mill with certaine Lands and Negro's which are entailed on the Said* ffrances *by the last will and Testament of* Daniel Parke *Esqr deceased for the payment of the Debts and Legacys of the said* Daniel was read the third time and after a Debate—

Upon the question put—

Resolved That the Bill do pass —

Mr *Allerton* from the Committee of propositions & Greivances reported that the Said Committee had taken into Consideracon Severall of the matters to them referred and therein had come to Severall Resolutions which he read in his place and then delivered in at the table where being again read—

Ordered That the Said report do lye upon the table

An Engrossed Bill entituled *an Act for appointing Rangers* was read the third time

Resolved. Nemine contradicente

That the Bill do pass.—

Ordered That the Committees that prepared the Severall Bills which this day passed the House do carrye them to the Council & desire their Concurrence thereto.

Ordered That the Committee for publick Claimes do carrye the book of Reports of the Said Committee to the Council and desire their Concurrence thereto—

Resolved That this House will to morrow Resolve it self into a Committee of the whole House to consider further of the Governours Speech—.

And then the House adjourned til to Morrow Morning Ten a Clock.

Thursday December 13th 1711

THE House proceeded to take into consideration the report of the Committee of propositions and Greivances.—

And upon consideration of ye report of the said Committee made upon the Petition of *Larkin Chew* praying an allowance for himself and Ten men for ranging Eleven days in ye County of *Essex*.—

The

The Houſe agreed to the report of the ſaid Committee—*viz*t

Reſolved That the Said Petition be rejected

Upon conſideracõn of the reports of the ſaid Committee made upon the Petition of Severall Inhabitants of the County of *King* W*m* and upon the Greivance from the County of *New Kent* both praying that Rangers may be appointed.

The Houſe agreed to the report of the ſaid Committee—And thereupon.

Reſolved. That the Said Petition and Greivance are anſwered in the Bill brought into this Houſe for appointing Rangers at the heads of *James York Rappahanock* and *Potomeck* Rivers

Upon conſideration of the report of the Said Committee made upon the Greivance from the County of *New Kent* proceeding from the Trade carryed on by the *Engliſh* with the Indians and furniſhing them with Armes and Amunition—

The Houſe diſagreed to the report of the ſaid Com*tee* And thereupon.

Reſolved That the ſaid propoſition be Rejected

Upon conſideration of the report of the Said Committee made upon the Greivances, from the Said County That the Indians Inhabiting the South ſide of *James* River do hunt upon the ffrontiers of the Said County of *New Kent* without Certifycates from a Juſtice of Peace declaring their Numbers & names—

The Houſe agreed to the report of the Said Comm*tee* *viz*t—

Reſolved. That the matter Set forth in the ſaid Greivances be Rejected

Upon conſideration of the report of the Said Comm*tee* made upon the Greivance from the Countys of *York* and *Warrwick* That the Act declaring the Negro Mulatto and Indian Slaves within this Dominion to be Reall Eſtate is very prejuditiall—

The Houſe agreed to the report of the Said Committee *viz*t

Reſolved That the Said Act ought to be amended.

Ordered That the Com*tee* of propoſitions & Greivances prepare & bring in a Bill to amend the Same—

Upon conſideration of the report of the Said Committee made upon thoſe parts of the Governours Speech which relates to the *Quakers* and to the burthen that lyeth on the poorer Sort of people in providing themſelves with Armes and Amunition—

The Houſe agreed to the report of the ſaid Committee *viz*t—.

Reſolved. That thoſe matters may be properly conſidered and provided for in a Bill to be brought in concerning the militia—

Upon conſideration of the report of the Said Committee made upon the propoſition from the County of *James City* That the Law directing the manner of Levying Executions and for releif of Priſoners for Debt may be amended and that a proviſion be made for a more Juſt valuation of goods taken on Executions or tendered in Satisfaction of Debts

The Houſe agreed to the report of the Said Com*tee* *viz*t

Reſolved. That the Said propoſition be Rejected

Upon conſideration of the report of the ſaid Com*tee* made upon the Propoſition from the Said County for a more Equal Diviſion of the Countys and pariſhes between *James* & *York* Rivers

The Houſe agreed to the report of the Said Committee *viz*t

Reſolved. That the furthur conſideracõn of the ſaid Propoſition be referred til the meſſage from the Lievt Governour of the 27th of *November* 1710 relating to the Dividing Countys & pariſhes be conſidered by this Houſe.

The Houſe proceeded to take into conſideration the petition of *Matthew Ballard* and the Same was read praying to be allowed for a Lott of Land and a houſe Standing thereon which has been made vſe of for ye Service of the Country.

Ordered That the Said Petition be rejected—

A written Meſſage from the Honble the Lievt Governr by Mr *Robertſon* with the Articles of a League made with Severall Townes of the *Tuſcarora* Indians. the Said Meſſage being as followeth—

Mr

Mr Speaker and Gentlemen of the Houſe of Burgeſſ

I think it proper to lay before you the Treaty I have concluded wth Eight Townes of the *Tuſcarora* Indians; wherein you will perceive by the Supplys and Rewards promiſed them in the 6th 7th and 8th Articles and more Eſpecially what is mentioned in the 9th that I relye upon the Aſſurances you gave me in your Addreſs of the 28th of the laſt month—

By the 4th Article you will obſerve they are obliged to Send hoſtages for the ſtithfull performance of their Engagements, which being neceſſary for makeing this Treaty Effectuall. I think it alſo neceſſary to put you in mind of what I recommended to you in my Speech at the Opening this Seſſion for aſſiſting ye Colledge to Support the Charge of their maintenance and Education and having communicated to ſome of the Members of your houſe a Project whereby that may be done without any Charge to the County I have no doubt, but it will be readily agreed to by your Houſe—

December the 13th 1711. *A: Spotſwood*

The Said meſſage with the Articles of the League being read—were ordered to lye upon the Table—

The Houſe being informed that the Meſſinger had purſuant to Mr *Speakers* warrant taken into his Cuſtody Mr *Goodrich* for his failure in not attending according to his duty the Service of the Houſe and that he attended at the Door—

Ordered. That he be called to the Barr of the Houſe to make his Excuſe for his abſence, and he being accordingly called to the Barr & having made his Excuſe, was ordered to withdraw and being withdrawn—

Ordered That he be again called to the Barr and that he be Reprimanded by Mr *Speaker* for neglecting the Service of the Houſe—And he being accordingly called to the Barr and Reprimanded was ordered to withdraw and being withdrawn—

Ordered That he be diſcharged out of Cuſtody paying ffees—

Mr *Allerton* reported that the Committee of Elections and priviledges had taken into Conſideracõn the Severall Returnes on the writts committed to them and therein had come to Severall reſolutions which he read in his place, & then delivered them in at ye table where being again read the Houſe took the Same into imediate conſideration and Some of the Said reſolutions were agreed and the other diſagreed unto and thereupon

Reſolved. That Mr *John Holloway* Mr *Wm Byrd* are duly returned Burgeſſes to Serve in this preſent Generall Aſſembly for the County of *King* and *Queen*

Reſolved. That Mr *John Tarpley* is duly returned a Burgeſs to Serve in this preſent Generall Aſſembly for the County of *Richmond* in the room of Mr *William Tayloe* decẽd.—

Reſolved That Mr *ffrancis Epes* Junr is duly returned a Burgeſs to Serve in this preſent generall aſſembly for the County of *Henrico* in the room of Mr *William Randolph* decẽd.

Reſolved That Mr *Edward Goodrich* is duly returned a Burgeſs to Serve in this preſent generall Aſſembly for the County of *Prince George* in the room of Mr *John Hardyman* decẽd.

A Member of the Houſe moveing for Leave to bring in Severll Propoſalls for the Encouragement of ye Colledge, leave is accordingly given him and the Said Propoſalls being preſented to the Houſe were read and ordered to lye upon the Table—

A written meſſage from the Council by Mr *Robertſon*

Mr Speaker and Gentlemen of the Houſe of Burgeſſ

The Council having now under conſideration the Bill Sent vp from your Houſe Entituled *an Act for granting to her Majeſty certain dutys upon Severall goods Merchandizes for carrying on a Warr againſt the* Tuſcarora *Indians their Adherents and Abettors* and being deſirous to contribute all that lyes in their power towards the Attaining the ends propoſed in the Said Bill with a due regard to the Circumſtances as well as to the intereſt of this Country have thought fit to lay before your Houſe in this manner

the

the Severall matters which they conceive proper to be conſidered and amended therein Together with the reaſons that induced them to be of this Opinion—.

Since the Reſolves of your Houſe and the Addreſs preſented to the Governour thereupon for declaring Warr againſt the *Tuſcarora* Indians upon which the Council conceive this Bill was founded the face of Affaires is very much altered with reſpect to thoſe Indians, Deputys from Eight of their Townes have attended the Governour at this place and have given Such Satisfaction both of their Innocence in any part of the late Maſſacre in *Carolina* of the unavoidable accidents which hindered their comeing in according to their appointment, and of their Sincere deſire to continue in ffriendſhipp with all her Majeſts Subjects, that a league is now concluded with them whereby they have obliged themſelves to aſſiſt in takeing vengeance on the Actors of that bloody Tragedy So that the Council think it would be Incongruous to paſs an Act which in the Title and Preamble Seems to be directed againſt that whole Nation in generall when at the Same time the moſt conſiderable part of em are Engaged in a Strict Allyance with this Governm^{t} and therefore propoſe that the Title and preamble of ye Bill may be only for carrying on a Warr againſt that Town of the *Tuſcarora* Nation called *Caughteghnah* and all other Indians concerned in the late Maſſacre in *Carolina* their Adherents and Abettors—

In that part of the Bill which lays a Duty of Six per Cent on all Comoditys imported The Council propoſe that an Exception be made of the goods and Materialls to be Imported from *Great Brittain* at the publick Riſque of this Country for finiſhing the Governours Houſe, of all wearing apparell & Houſehold furniture imported by perſons comeing to reſide in this Colony which have been vſed by Such perſons before their Importation and that all Commoditys allowed to the maſters of Shipps in their bills of Store be alſo Exempted from that duty And Since it may be doubtfull whether the Charges of Cheſts Casks and Wrappers for goods imported ſhall be reckoned as Merchandizes chargeable with this duty the Council offer to your Conſideration whether it is not neceſſary this ſhould be Explained and alſo what allowance ſhall be made for goods damnifyed or miſſing—

The Council are alſo of Opinion that the admitting of Salt to be imported as other Commoditys at the rate of 6 ℔ C^{t} on the firſt Coſt is unequall and uncertain becauſe the far greater part of the Salt imported is brought from the Salt Iſlands where very often little Elſe is paid for it than the Labour of the Seamen that take it vp and put it on board And therefore they propoſe that a certain duty be laid upon all Salt by the Buſhell—That the Merchants who import y^{t} Comodity from *Great Brittain* may be under no greater Duty than thoſe who bring the Same from other places.

In that part of the Bill which Impoſes a Duty on Pork pitch and Tarr Exported, the Council propoſe that that Clauſe be made in generall without poynting at particular Countrys from which thoſe Comoditys are imported which however it may be in effect will otherwiſe carrye a face of partiality with reſpect to the Countrys named in the Bill—

It is alſo propoſed That all the Dutys Impoſed by this Act be only for One year for ſince the Council beleive it will be agreed that the whole Impoſitions mentioned in the Bill will fall ſhort of the Summe propoſed to be raiſed thereby, they conceive that it will be more Satisfactory to thoſe ingaged in this Expedition if the Gen^{ll} Aſſembly by Examining how much the Severall dutys do amount to in One year, ſhould be Enabled to take timely meaſures for raiſing what may be neceſſary for the Supplying the deficiencys of thoſe ffunds than if they ſhould be Obliged to wait the uncertaine produce thereof, for ſo long a time as is menc̃oned in the Bill And on the other hand if through the bleſſing of God on the meaſures already propoſed the Warr ſhall. be happily Terminated with leſs Expenſe than is now intended to be raiſed there will then be no need to Burthen the Subjects with a longer Tax

The Production of Pitch and Tarr in her Majeſtys Plantations for the Supply of her Majeſtys Navy has been ſo much the Care of the Parliment of *England* that conſiderable

conſiderable Premiums are given for the Importation of thoſe Stores into *great Brittain* and It would Look ſtrange that after Such an Encouragement given there the Aſſembly of this Colony ſhould lay a duty which will diſcourage the carrying it from hence And therefore the Council propoſe that no Duty be Laid on any pitch or Tarr Exported to *Great Brittaine*—

The Duty already Laid on Skinns is as much as that Comodity will bear conſidering its Low price in *England*, and the Parliment of *great Brittain* in the laſt Seſſion were ſo Sencible of this, that when it was propoſed to lay a duty on Skinns there for the Occaſions of the Warr wherein her Majeſty is engaged they thought fit to alter their firſt reſolutions and Leave that Commodity wholly vntaxed And ſhould this Aſſembly lay an additional Duty thereon it would be attended with theſe Inconveniencys to her Majeſtys Service as well as to the Intereſt of this Country in particular— 1ſt That that trade would be wholly loſt to this Country 2dly That the Indians with whom we Traffick now. would be Supplyed by the *ffrench* and conſequently would be Eaſily prevailed on by them to be our Enimys it being certain that our Traders have ſeen the *ffrench* in the Same Indian Townes in which they have traded this year and nothing can more effectually preſerve the Indians in Amity with us than our furniſhing them with Comoditys cheaper than the *ffrench* can do—3dly It will leſſen the Revenue of the Colledge at leaſt a hundred pounds per Annum which is a work deſigned for So good an End and of Such advantage to the Country that it is hoped the Generall Aſſembly will never Endeavour to diſcourage it 4thly That if any additionall Duty be Laid on this Comodity it will diſable the Government from performing their Engagements to the *Tuſcarora* Indians for the 6 ℔ Ct laid on ye Comoditys with which the Skinns are purchaſed is as great a Burthen as that trade will bear. But if the Traders muſt alſo pay So much more upon the Exportation they muſt either be conſidble Looſers by their trade or advance their goods So much that the Indians will be discouraged from purchaſing them, & thereby think themſelves deceived and Impoſed upon in the Treaty they have made with us.—

It is further propoſed That a Proviſo be added to this Bill that for all goods and Merchandizs Exported for which a duty is payable by this Act that ſhall happen to be loſt at Sea or before Exportacon The Owners may be allowed upon proof made of ſuch Loſs to Shipp off the like quantity of the ſame Comoditys free of any Duty.

In that part of the Act where perſons living remote are allowed to make Oath to the value of goods Imported before a Juſtice of the peace It is propoſed that Such Oath be made & Certifyed by Two Juſtices Since any frauds that may be intended will be thereby more Eaſily prevented And the Collectors better Enabled to make Diſcoverys of any forged Certifycates

The Council are of Opinion that the Sume of ffive thouſd pounds allowed to be taken vp upon Loan will be inſufficient for anſwering the Occaſions of the warr if there ſhould be A neceſſity for carrying it on for the time propoſed the preparatory Expence for the Expedition and the neceſſary proviſion of Victualls for ye Army will Exhauſt that Sume and it will be a Diſcouragement both to the Offycers and Soldiers to be without hopes of any pay til the funds laid have brought in a Sufficient Supply. beſides there are many other Incident Charges wherein money may be imediately neceſſary and for want of which great advantages may be loſt neither is it probable yt any money can be had at So low an Intereſt as Six in the hundrd when it is well known that thoſe who have money can Imploy it to much better advantage. wherefore the Council propoſe that the Sume to be raiſed by Loan be Enlarged to Ten Thouſand pounds and that the Encouragement for advancing thereof be Ten per Cent This it is hoped will be for the Service of the Country and the Expedition will not then be Diſappointed for want of a Suitable Encouragement—

And becauſe Such perſons who are beſt able to lend upon the publick Credit have generally their money in *England* It is propoſed that for all Sumes advanced by Bills

of

of Exchange proviſion be made that the Same ſhall be repaid in the like kind and Since the running Caſh in the Country is judged not Sufficient to anſwer all ye Dutys raiſed by this Act So that great part thereof muſt neceſſarily be paid by Bills of Exchange. It is alſo propoſed that ye Collectors be obliged to give Account upon Oath of all Bills by them received for the Said Dutys and to pay the Same to the Treaſurer in order to the diſcharging the Summes that ſhall be advanced in Bills—

The Extraordinary Importance of this Bill and the ends for wch It is intended have obliged the Council to enlarge on every particular which they conceive might either prove diſadvantageous to the Country or prejudiciall to the Service. They have choſen this way of meſſage to diſcover to yor Houſe their Sentiments upon the whole And that no Scruple may remaine wth you to interrupt that good correſpondence with [which] the Council, will ever be carefull on their part to preſerve between the two houſes and which is more particularly neceſſary in this Extraordry Conjuncture, they are content that theſe Amendments be made in the ſame manner as has been practiced in the Two former Impoſition Bills the good Effect whereof they doubt not Your Houſe as well as the whole Country are intirely Satisfyed in

December the 13th 1711.

The Said meſſage being read the Houſe proceeded to the imediate Conſideration thereof and Some time being Spent therein

Ordered That the Said meſſage be further conſidered to morrow morning

Ordered That the Houſe be called over to morrow morning at nine a Clock and that every Member then failing in his duty of Attendance be lyable to ye Cenſure of the Houſe—

Reſolved That This will to morrow Reſolve it Self into a Committee of the whole Houſe to conſider further of the Governours Speech—

And then the Houſe adjourned til to morrow Morning nine a Clock—

Fryday December. 14th 1711

THE Houſe (according to order) proceeded to the further Conſideracon of the meſſage from the Council which relates to the amending the Bill entituled *an Act for granting to her Majeſty certain Dutys upon Severall goods and Merchandiz for carrying on a Warr againſt the* Tuſcarora *Indians their Adherents and Abettors* & after Some time Spent therein Some of the Amendments propoſed by ye Council to the Said Bill were agreed and the other diſagreed unto And thereupon—

Ordered That the Comtee of propoſitions and Greivances prpare and bring in a Meſſage to the Council giving them leave to make Such amendmts in the Said Bill as are agreed unto by this Houſe—

A meſſage from the Council by Mr *Robertſon* That the Council have agreed to the Bill intituled *an Act for appointing Rangers* with Some Amendments to which they deſire the Concurrence of this Houſe.

Alſo that the Council have agreed to the Bill intituled *an Act to Enable* John Cuſtis *and* ffrances *his wife to Sell a mill with certain Lands and Negro's which are entailed on the ſd* ffrances *by the laſt will and Teſtament of* Daniel Parke *Eſqr deceaſed for payment of the Debts and Legacys of the Said* Daniel without any Amendments—

The Houſe proceeded to take into conſideration the Amendments propoſed by the Council to the Bill entituled *an Act for appointing Rangers* and the Same being read were agreed unto by the houſe and made in the Bill—

Ordered That the Committee of Propoſitions and Greivances do carrye the Sd Bill to the Council and acquaint them that the Same is amended according to ye amendments by them propoſed—

Mr *Holloway* reported that the Comtes of propoſitions & Greivances had (according to order) prepared the meſſage to ye Council which he read in his place and then deliv-

ered

ered in at ye table where the Same being again read was with an Amendment agreed unto by y^r^ Houſe And is as followeth

May it pleaſe yor Honours.

The houſe having taken into conſideration the Meſſage Sent by yor Hon^rs^ relateing to the Amendments propoſed by yor Hon^rs^ to be made to ye Bill Intituled *an Act for granting to her Majeſty certaine Dutys upon Severall goods and Merchandiz^s^ for carrying on a Warr againſt the* Tuſcarora *Indians their Adherents and Abettors* Sent vp by this Houſe to Yo^r^ Honours together with the reaſons which induced you thereunto—And well weighing the more than ordinary Importance of the matters contained in the ſd Bill and the Conſequence thereof at this preſent Conjuncture with an Eſpeciall Regard to the Circumſtances wellfare and Intereſt of this Colony And being Sencible how Conducive to the publick Service a good correſpondence with your Houſe may be which we on our part are deſirous to maintain. Do give leave to yor Honours to amend the Said Bill in the manner following *vizt* By ſtriking out the words *North* and *South Carolina* and *Maryland* in that part of y^e^ ſ^d^ Bill which lays a Duty on Pork, pitch and Tarr Imported from thoſe Countrys. And by adding after y^t^ part of ye Bill which lays a Duty of Six pounds in the hundred on goods Imported the following Proviſoe *vizt*

Provided always that if any goods Wares or Merchandizes So to be Imported ſhall appear to be Damnifyed the Collector of the ſ^d^ Dutys ſhall Secure receive and take the Duty on Such goods according to the value thereof after ye Same are damnifyed. And if any Diſpute ſhall ariſe between the Owner of Such goods and Such Collector touching the value of the goods So damnifyed It ſhall be lawfull for a Juſtice of the peace of ye County where Such goods ſhall be and he is hereby required to Sumon Three good and lawfull men to appraiſe and value Such goods upon their Oathes and therevpon the ſ^d^ Collector ſhall and is hereby required to Secure take and receive the Said Duty vpon the Summe to which the ſaid goods ſhall be valued by the Said Three men or the major part of them and no otherwiſe And if upon unpacking any goods or Merchandiz^s^ So to be Imported for which the Said Duty ſhall be Secured or paid It ſhall appeare that any of the Said goods are damnifyed if the Owner of Such goods will make Oath before one of her Majeſtys Juſtices of ye peace for the County where ſuch goods ſhall be that the Said goods Did receive Such Damage at Sea or before they were Landed it ſhall then be lawfull for Such Juſtice and he is hereby required to Sumon three good and Lawfull men to appraiſe and value vpon their Oathes what the Damage received by Such goods doth amount to and upon Such valuation made of ſuch Damage by the Said Three men or the greater part of them the ſaid Juſtice ſhall grant a Certifycate under his hand which being produced to the Collector to whom the Security. for the Said Duty on the Said goods ſhall have been given or the money paid Such Collector ſhall deduct allow and pay to the owner of Such goods ſo much money as the Duty on the goods damnifyed ſhall amount vnto according to Such Valuation—.

And by adding after thoſe parts of the Said Bill which layes the Severall Dutys on goods to be Exported the following proviſo *vizt*—

Provided alwaies that if any goods Wares or Merchandiz^s^ for which a Duty ſhall be Secured or paid by this Act on the Exportation thereof ſhall happen to be loſt at Sea or otherwiſe before they are Loaded in order to be diſpoſed of after the Said Duty Secured or paid upon proof thereof made on Oath before the Collector of the Said Duty to whom the ſame ſhall have been Secured or paid It ſhall be Lawfull for the Owner of Such goods ſo loſt to Export the like quantity of goods which were loſt without paying any Duty or Dutys laid by this Act for Such Exportation and all and every the Collector and Collectors of the Said Dutys are hereby required to Grant permitts to the Owners of Such goods ſo loſt accordingly.

Ordered That the Said meſſage be fairly tranſcribed and Signed by ye Clerk of this Houſe and that the Com^tee^ of propoſitions and Greivances do carrye the Same to the Council—

Reſolved

Reſolved That this Houſe will to morrow Reſolve it Self into a Comm^{tee} of ye whole Houſe to conſider further of the Govern^{rs} Speech.

And then the Houſe adjourned til to morrow Morning nine a Clock.

Saturday December 15th 1711

A MESSAGE from the Council by Mr *Robertſon* That the Council have paſſed the Bill Entituled *an Act for appoynting Rangers* as amended—

Alſo that the Council have agreed to the Bill entituled *an Act for raiſing a Land force for carrying on a Warr againſt the* Tuſcarora *Indians their Adherents and Abettors and for puniſhing Mutiny and deſertion and for payment of the Army* with Some Amendments to which they deſire the Concurrence of this Houſe—

Reſolved That This Houſe will on *Munday* next reſolve it Self into a Comm^{tee} of the whole Houſe to conſider further of the Governours Speech—.

And then the Houſe adjourned til *Monday* Morning Eleven a Clock.

Monday December 17th 1711

A MESSAGE from the Council by Mr *Robertſon*, That the Council deſire an imediate Conference wth this Houſe upon the Subject matter of their meſſage to this Houſe on the 13th Inſtant & have appointed three of their Members to manage the Conference with Such a Number of Burgeſſes as this houſe ſhall think fit—

After a Debate the queſtion was put, That the Conference be agreed to

Reſolved in the affirmative. And thereupon—

Mr *Holloway*, M^{r} *Eſcridge*, Mr *Allerton*, Mr *John Robinſon*, Mr *Burrwell* and Mr *Waller*, were appointed Managers for the Houſe, in the ſaid Conference and ordered to attend the Council according to their appointment.

Ordered. That it be an Inſtruction to the Said Conferees to diſcourſe nothing with the Conferees for the Council relating to any alterations of ye Dutys laid or the time for which they are Laid.

Ordered That the perſons who are appointed Managers for this Houſe in the Said Conference do go to ye Council and acquaint them that the Houſe have agreed to the Conference by them deſired

Mr *Holloway* from the Conference with the Council reported the Subject matter of the ſaid Conference and thereupon—

Reſolved. That this Houſe do agree to give leave to the Council to amend the Bill entituled *an Act for granting to her Majeſtye certaine Dutys upon Severall goods and Merchandizes for carrying on A Warr againſt the* Tuſcaruro *Indians their Adherents & abettors* in the Title and Preamble according to their meſſage on the 13th Inſtant And alſo to amend the Said Bill in ſuch other parts as neceſſarily require amending upon the alteration of the Title—

Ordered That the Managers for this Houſe in the Conference with the Council do carrye them a Copy of the Said Reſolve—

Reſolved That this Houſe will to morrow Reſolve it ſelf into a Committee of ye whole Houſe to conſider further of the Governo^{rs} Speech—

A member of the Houſe moving that Leave may be given to Mr *Robert Bolling* to go into the Country for recovery of his health Leave is accordingly given him—

And then the Houſe adjourned til to Morrow Morning ten a Clock.

Tueſday

Tueſday December. 18th 1711

RESOLVED. That this Houſe will to morrow Reſolve it Self into a Comtee of ye whole Houſe to conſider further of the Governours Speech—

And then the Houſe adjourned til to morrow Morning Ten a Clock.—

Wedneſday December 19th 1711

A WRITTEN meſſage from the Council by Mr *Robertſon*

By the Council—

Mr Speaker *and Gentlmen of the Houſe of Burgeſſ*

The Council have always Judged Conferences to be the beſt meanes to prſerve a good Correſpondence between the Two Houſes of Aſſembly and it was with that view that ye Council deſired the Conference with your Houſe Yeſterday upon the Subject matter of their meſſage of the 13th Inſtant, propoſing Severall alterations in the Bill entituled *an Act for granting to her Majeſty certaine Dutys upon Severall goods and Merchandizs for carrying on a Warr againſt the* Tuſcarora *Indians their Adherents and Abettors* That Conference being agreed to by your Houſe in Generall Termes. The Council could not but be Extreemly Surprized to find your Managers reſtrained by the Orders of your Houſe from conferring upon any part of that Meſſage Except what related to the Title of the Bill, whereby the Council found themſelves diſappointed of the ends propoſed by the Said Conference for the publick Service, a proceeding which they conceive to be inconſiſtent with that fair Correſpondence which is ſo neceſſary in the preſent Conjuncture—And therefore the Council deſire a further Conference with your Houſe upon thoſe parts of their Said meſſage of the 13th Inſtant to which they have as yet received no anſwer.

December 19th 1711

The Said Meſſage being read the Houſe proceeded to the imediate Conſideration thereof and thereupon—

Reſolved Nemine contradicente—

That this Houſe doth diſagree to a further Conference with the Council according to their ſaid meſſage—

Ordered That it be referred to the Committee of propoſitions & Greivances to prepare a meſſage in writing upon the Said Reſolve to be Sent to the Council as an anſwer to their Said meſſage and that the Said Committee report the Same So Soon as conveniently may be—

Mr *Holloway* reported that the Said Committee had accordingly prepared the meſſage which he read in his place and then delivered it in at the table where the Same being again read was agreed unto by the Houſe and is as followeth—

By the Houſe of Burgeſſes

May it pleaſe yor Honours.

The Burgeſſs being deſirous on their parts to preſerve A good Correſpondence with Your Honours did according to Your Deſire agree to a Conference upon the Subject matter of Your Honours meſſage of the 13th Inſtant to ſhew how willing they were to be Convinced by reaſon and to admitt of any Amendmts which did not infringe their priviledges But they cannot readily conceive that yor Honrs ſhould be Extreemly Surpriſed to find that the Managers appointed by this Houſe for that Conference were reſtrained by the order of this Houſe from Conferring upon any part of that meſſage relating to any Alterations of the Dutys laid or the time for which they are laid this Houſe conceiving the Granting of Aids and ye method of Laying Impoſitions and Dutys to be the undoubted Right and Inherent priviledges of the Burgeſſs in aſſembly repreſenting the people of this Colony which Right and priviledge this Houſe being deſirous

to

to preſerve and continue to their Poſterity did therefore reſtraine their Conferees from diſcourſing that matter with the Conferees from Yo^r Honours and for this reaſon this Houſe are unanimous that they cannot agree to any farther Conference with yor Honours upon thoſe parts of your Said meſſage of the 13th Inſtant which relate to any alterations to be made in the Dutys laid by that Bill—

Ordered That the Said meſſage be forthwith fairly tranſcribed & Signed by the Clerk of this Houſe & that the Committee of propoſitions and Grievances do carrye the Same to the Council

Ordered That Mr *Soane* and M^r *ffrances Epes* do Examine the Inrolled Bill for appointing Rangers with the engroſſed Bill—

Mr *Soane* reports they have accordingly Examined the ſaid Bill—And thereupon—

Ordered That they do carrye the ſame with the Engroſſed Bill to the Council for their Examination and Peruſall—

Mr *Samuel Harwood* moving for leave to go into the Country to viſitt his wife, ſhe being very ſick. leave is accordingly given him—

A Meſſage from the Council by Mr *Robertſon*. That the Council have peruſed the Inrolled Bill for appointing Rangers and that they are Satisfyed the Said Bill is truely Inrolled—

A Meſſage from the Honble the Liev^t Governo^r by Mr *Robertſon*

Mr Speaker *and Gentlemen of the Houſe of Burgeſſes*

The Governour Commands the immediate Attendance of this Houſe upon him in the Council Chamber and that you bring with you the Inrolled Bill for appointing Rangers. and accordingly the Houſe went to attend the Governo^r And being returned Mr *Speaker* acquainted the Houſe that the Governo^r had been pleaſed to paſs the Said Bill and then to make a Speech and that the Same being long he had obtained a Copy thereof which he read and then delivered in at the Table the Same being as follows.

Mr Speaker *and Gentlemen of the Houſe of Burgeſſ^s*

Some late Intelligence of the wicked deſignes of the Heathen makes me the more Earneſt to paſs this Law for the Rangers, being deſirous to Secure the Country as much as in me lyes and not to let it Suffer for any Juſt Reſentment I might have to See no meaſures muſt be rendered Effectual but Such as have their firſt Riſe from your Houſe—

It is now Two months Since this Seſſion began And hitherto has your Houſe prepared Scarce three publick Bills fitt for me to paſs, nor do I yet find that you offer to anſwer one Single paragraph of thoſe matters I recommended to you in my firſt Speech. beſides I cannot but take notice of your Silence to my written meſſages and Even to Some of more than a Twelve months Date which undecently appear upon your Journalls yet to be conſidered tho' I'm Sure no man that has obſerved how you have ſpent yor Houres will Say that you wanted time for this purpoſe—

But I am more Surprized at the Incongruous proceedings of your Houſe when after you have by a Solemn Addreſs & Reſolution aſſured me of timely and Sufficient Supplys for carrying on a Warr and makeing Treatys. you now will offer no other Bill than One which cannot be paſſed for its unuſuall and Extraordinary nature until a draught thereof be firſt Laid before her Majeſtye And ſhould I venture to paſs it, yet it would not raiſe One penny in time nor One third of what you your Selves have judged to be barely requiſite for ye Expedition—

You have hitherto declined all meaſures that might make your Militia vſefull or put your Country into a reaſonable poſture of defence—

Your late proceedings upon the Book of Claimes muſt diſcourage every body from aiding the State in its Exigences.—

For after the Treatment which Some Creditors are like to meet with in your Houſe what man will diſburſe One ſhilling for the Publick to be reimburſed at your pleaſure, or who will perform any Service upon the ffaith of a Law, if Acts of Aſſembly are to be obſerved or diſpenſed with according to the humour of your Houſe—

In

In ſhort I am amaſed at your proceedings Seeing this is the preſent Scituation of Affairs

The heathen is diſtroying her Majeſtys Subjects and ranging Your Neighbourhood, freſh Diſcoverys encreaſe my Suſpition of their bloody Deſignes on this Colony. Sword Peſtilence, famine and diſcord rages ſo much in *North Carolina* that neither a Council nor an Aſſembly can be found to take any meaſures to prevent the entire Deſolation of that Province—

Your Militia will not be Commandᵈ out upon the Publick Service at their own proper Charge—

Nor can they fight without Armes and Amunition And if you will not Enable me to provide timely & Effectually for the Security of this Government and for the Recovery of the next the Conſequences may be very fatall but muſt certainly lye at your Doores.

Reſolved That the Said Speech be taken into Conſideracon to morrow Morning

Reſolved That this Houſe will to morrow Reſolve it ſelf into a Committee of the whole Houſe to conſider further of the Governrs firſt Speech at the Beginning of the Seſſions.

And then the Houſe adjourned til to Morrow morning nine a Clock.—

Thurſday December 20th 1711

UPON a motion made

The Houſe was called over and thereupon

Ordered That Mr *John Tarpley*, Mr *George Eſcridge*, and Mr *Ambroſe Dudley* be Sent for in Cuſtody of the meſſinger to anſwer their Defaults in not attending (according to their Duty) the Service of ye Houſe and that Mr *Speaker* iſſue his warrant accordingly—

The Houſe (according to order) proceeded to take into conſideration the Governours Speech to this Houſe yeſterday—and the Same being read—

Ordered That it be referred to the Commtee of propoſitions and Greivances to prepare an addreſs to the Governour as an anſwer to the Said Speech—

Upon a motion made

Ordered That every Member of this Houſe have leave to Offer to the Said Committee Such matters relating to the Said Addreſs as by them ſhall be thought proper—

Ordered That Mr *Soane*, Mr *Conway* and Mr *ffox* be added to the Committee of propoſitions and Greivances—

A meſſage from the Council by Mr *Robertſon* That the Council have paſſed a Bill entituled *an Act to reſtrain Trade with Indians in this time of Danger* to which they deſire the Concurrence of this Houſe

A written meſſage from the Council by Mr *Robertſon* with the Book of Claimes the Said Meſſage being as followeth—

By the Council—

Mr Speaker *and Gentlemen of the Houſe of Burgeſſes.*

The Council having conſidered the book of Claimes and finding therein diverſe Articles for publick Services diſallowed and others intended to be diſcharged in a manner very prejuditiall to the publick Creditors think it neceſſary to recommend to your Houſe the further conſideration of thoſe Severall Claimes not doubting but you will readily agree to Satisfye ye perſons concerned when you are more fully informed of the Equity of their pretenſions—

Among the Claimes of *York* County the Council propoſe that the Claime of *Suſanna Allen* for dyeting the *ffrench* priſoners & the marines that guarded them be allowed, becauſe as the taking thoſe priſoners muſt be acknowledged a Service to the Country Nothing can be more reaſonable than that the Country ſhould bear ye Charge of their Subſiſtance

Subſiſtance til they could be tranſported, and for the Dyeting the Marines that guarded them, it being So Short a time and occaſioned by an Accident that prevented the ſending proviſions from the Shipp to which they belonged. The Council think it is ſo inconſiderable that it ought not to be Scrupled Eſpecially ſince their guarding the priſoners was an Eaſe to the Militia of the Country which muſt otherwiſe have been Imployed in that Service and paid at the Publick Charge—if this be not a Country charge the Council would be glad to know out of what fund it muſt be paid. The Revenue of ye Country is at preſent ſo low that it will not defray the Eſtabliſhed Sallarys for the Current half year and if the Houſe of Burgeſſes deſire it the Accounts of that Revenue ſhall be Laid before them for their Satisfaction in this particular—

In the Article of allowances about the publick works and other Services for the defence of the Country—The Council obſerve that the Claimes of the Militia of the Countys of *Prince George Surry* and *Iſle* of *Wight* for their Services at *Nottoway* Towne are diſallowed by the Houſe of Burgeſſ^s^ The Council are of Opinion y^t^ it would be a very great Diſcouragement to the Militia if when they are called out upon ye publick Service So long from their own homes, the Allowance given them by Law ſhould be denyed them. ffor if this Country ſhould be invaded by an conſiderable fforce So that it ſhould be neceſſary to draw together the Militia of Severall Countys for reſiſting the Enimye it would be hard that the Militia ſhould receive no recompence for their Services til their Arrivall at the place of Action and therefore y^r^ Council hope the Burgeſſ^s^ will not introduce So dangerous a precedent as the Diſallowance of ye Claimes of the above menc̃oned Militia may prove nor make Such a Conſtruction of ye Law as may diſcourage people from defending the Country upon a more preſſing occaſion but becauſe it is ſaid That if the Tobacco be Levyed for the Said Militia it will turn to no Account to them Since it Can't be payd in their own Countys; The Council propoſe that all the men Imployed in the Service at *Nottoway* Town may at leaſt for their own perſons be Exempted from the payment of this yeares Publick Levy And if the Repreſentatives of thoſe Countys are of Opinion that this will be Satisfactory the Council think ſuch a Gratifycation cannot reaſonably be denyed them And if that be allowed the Council ſhall not inſiſt any farther upon that Article—

Amongſt the Claimes of *Elizabeth City* County there is One of *John Bayly* for two hundred foot of Inch & half Oak plank left without being rated or allowed. The Council propoſe that that Claim be conſidered & a Suitable Allowance made in your Houſe and inſerted in the book.

In the Same County the Claimes of *Nicholas Curl* of £16: 10: 10 and of Mr *George Walker* for £8: 01: 0 being for materialls Bought by them for ready money ought certainly to be repaid in the Same Specie, it being unreaſonable that any One ſhould lay out their own money to be repaid in a Commodity that will not reimburſe them and it is the more unreaſonable in reſpect of thoſe Two gentlemen becauſe they have charged nothing for their own trouble nor the Service of their Negro's tho' no men in the Country have contributed more to the carrying on the works in that County

The Claim of *George Luke* Eſq^r^ for old Iron furniſhed for the Uſe of ye Battery at *point Comfort* being diſallowed becauſe the Iron belonged to the Queen, the Council think it neceſſary to informe you that that iron was ſaved out of her Majeſtys Shipp the *Garland* and an Account of it given to the Lords of the Admiralty who will certainly demand the price of it according to the valuation, it not being in the power of this Government to apply any of her Majeſt^s^ Stores to the Service of this Country beſide[s] that the Govern^r^ hath particularly engaged himſelf to ye Admiralty to make Satisfaction for ye value of all y^e^ ſd Stores

In the Claimes of *York* County that of *John Marot* for dyeting the Captain Lievtenant and Surgeon of the *ffrench* privateer being only charged at 5^d^ *per diem* for Each of the Said priſoners ought to be allowed for the ſame reaſons as that of *Suſanna Attens* [*Allens*]—

The

The Claim of *Thomas Nelſon* for Sundry goods furniſhed out of his Store ought to be paid in money Since he might have had the Same price in ready money if he had Sold thoſe goods to private perſons—

In the Claims for *James City* County that of Colonel *Philip Ludwell* of £16: 3: 2½ for Diſburſements made by him in ready money ought to be repaid in the Same Specie and more eſpecially conſidering how much he contributed in his own perſon towds Expediting the works at *James Town*, it would be unjuſt to denye him what he hath really Expended.

The Claim of Mr *Archybald Blair* of £4: 0: 8 for nailes furniſhd for the Battery at *point Comfort* ought to be paid in money it being ſo agreed by the Governour and the Said nailes charged at as low a rate as the Same are Sold for ready money.

The Council propoſe that the Claime of *Henry Cary* for £22: 8: 1½ for carryages and other Services may be paid in money Severall of the Said Services being to the knowledge of the Council agreed to be ſo Satisfyed particularly ye tranſporting the Great Gunns from *Rappahannock* —

The other part of his Claime for 32 daies Labourers work of the Governours Negro's ought to be ſtruck out being allowed before in another Article to the Governour—

The Claim of *John Pratt* of *Glouceſter* County for Materialls furniſhed out of his Store for the Battery at *Tindalls* point ought to be paid in money for ye reaſons above Set downe

In the ſame County the Claime of *James Stevens* for 24 pair of Wheels for the Great Gunns being agreed by Coll *Smith* Commander in cheif of the County to be paid in money The Council propoſe that the Same be allowed accordingly in money—

The Claim of Coll *John Smith* for 14 Axes bought & paid in money for the uſe of the Said works ought to be repaid in ye Same Specie it not being reaſonable that he ſhould Expend his own money to be Reimburſed in a Comodity that will not anſwer it and Eſpecially when he has been at conſiderable trouble in carrying on the works without charging any thing for ye Same—

When the Country was threatned with an Invaſion this laſt Summer it was thought neceſſary that a proper veſſell ſhould be fitted out to cruiſe between ye Capes for the more Speedy Diſcovery of the Enimye the Expenſe of that preparation—has been as frugall and moderate as could be contrived for the Countrys Service And therefore the Council recommendd the Claim of Mr *Curle* for that veſſell to be again conſidered and allowed by your Houſe, he being one of your Members will be able to informe you that the Said Sloop has been vſefull for Severall other Services about ye Battery at *Point Comfort* as well as that for which ſhe was intended which cannot be denyed to have been a neceſſary precaution for ye defence of the Country and ought to be defrayed at the Publick Charge

The Council having received a Claime and Petition of Mr Secretary *Jennings* for Severall ffees due to him for Iſſueing Commiſſions and other Services about ye Courts of Oyer and Terminer propoſe that the ſame be added to ye Book of Claimes—

And that the vſuall allowance for Iſſueing two new writts for Election of Burgeſſes out of ye Secretarys Office be alſo added to ye Book of Claimes—

Which Severall Allowances and additions being agreed to by your Houſe ye Council are ready to paſs the Book of Claimes—

December 20th 1711

The Said meſſage being read the Houſe took the Same into imediate conſideracon and part of ye propoſitions therein made by the Council was agreed to and part Diſagreed unto—

Reſolved That a written meſſage be ſent to the Council acquainting them how farr this Houſe have agreed to the Allowances by them propoſed to be made in the Book of Claimes and wherein they have diſagreed with reaſons for the Diſagreement—

Ordered That it be referred to the Committee for publick Claimes to prpare and bring in the Said meſſage—

Reſolved

Refolved That this Houſe will to morrow Reſolve it ſelf into a Com^tee of the whole Houſe to conſider further of the Governours firſt Speech at the Beginning of this Seſſions—

Mr *Goodrich* moving for leave to go into the Country for recovery of his health. Leave is given him—

And then the Houſe adjourned til to morrow Morning nine a Clock.

Fryday December the 21^ſt 1711

MR. *Holloway* reported That the Committee of propoſitions and Greivances had (according to order) prepared an Addreſs to ye Governour as an anſwer to his Speech on the 19th Inſtant which he read in his place and then delivered in at the table. where the Same being again read was agreed unto by ye Houſe and is as followeth.

To ye Honble Alexander Spotſwood *her Majeſt^s Lieu^t Govern^r of* Virginia

Wee the Burgeſſ^s having with great Serioufneſs conſidered the Speech deliver^d by yor Hon^r to this Houſe the Ninteenth Inſtant do render you our thanks for the Care and Regard you are pleaſed to Expreſs for ye Safety of this Country yet cannot w^thout deep Concerne reflect on ye reſentment yor Honour has conceived at the proceedings of this Seſſion—

Wee begg leave to aſſure yor Honour no motive has prevailed with this Houſe to preferr any Bill for your Aſſent but what has proceed^d from a Juſt Regard of our bounden Duty to our moſt gracious Queen and the wellfare and Safety of her Subjects— And where ye Security of the Country and Intereſt of ye people are So much concerned as neceſſarily to require the raiſing money wee wth all Submiſſion take it to be the undoubted right of this Houſe that Acts of that nature ought to have their foundation from us—.

Wee acknowledge wee have been aſſembled here Six weeks the firſt part of which time hath been taken vp in prepareing Such Lawes as from the Repreſentation of ye Grievances of ye People and our due conſideracõn we thought proper & Convenient to be Enacted

And if the latter part of this Seſſion has been waſted in attending for the Returne of Bills Sent vp by this Houſe to their Honours of the Council for their Concurrence. we hope it may be attributed rather to the Effect of Diſagreeing Opinions than our want of Duty to our Sovereign or the people we repreſent

Wee have had under our conſideration the providing ffortifycacõns for the better Security of this Colony recommended to us in yor Hon^rs Speech at the opening this Seſſion And in regard of the Dutys already given for that purpoſe & humbly conceiving ſuch works are not of very great vſe to this Country but more eſpecially conſidering the Extraordinary Exigences of ye Publick at this time did not think proper to make any Reſolutions therein wee have likewiſe conſidered ye propoſall made by yor Honour for fitting a place for Carneening of Shipps & for ye reaſon laſt mentioned are of Opinion the Same cannot well be Effected at this time—

Wee have not been unmindfull of the State of ye Clergy recommend^d to us from your Honour and are humbly of Opinion that the Lawes now in being have made Sufficient proviſion for the Maintenance of the Gentlemen of that profeſſion—

In purſuance of the Recommendation in yor Hon^rs Speech wee have paſſed a Bill for Erecting a publick Goal for Debtors to be Committed to by the Generall Court to which the Council have agreed—

It was from the Repreſentation of ye State of the affaires of *North Carolina* laid before this Houſe by yor Honour together with the Sence we had of the Dangers approaching this Colony from the Indian Enimye that we were induced to addreſs our Selves to yor Honour to proclaim a Warr and to come to a reſolution of aſſuring you of timely

timely and ſufficient Supplys to carrye on the Same and to make Treatys And we do humbly conceive by the ways propoſed in the Bill for granting to her Majeſty certain Dutys wee have provided Sufficient meanes for Enabling yor Honour to effect ye Same And if that Bill be of Such an Extraordinary nature that we cannot obtain your Honours approbation thereof wee muſt acquieſce under that misfortune—

The affair of the Militia is what this Houſe always Eſteemed of very great Importance and was ever deſirous of concerting meaſures with yor Honour proper to render them more vſefull But conſidering the Emergent Occaſion for raiſing money at this time for carrying on the Warr againſt the Indians And alſo beleiving by raiſing an Army for that Service Some of the Ends propoſed by regulating the Militia forces would be antwered we did Judge it moſt proper to wait the Event of that Warr before we entred upon that Regulation In which we think it proper to conſider of a method for providing Armes and Amunition for ye poorer Sort of people & of ye matter relating to the *Quakers*

The method this Houſe hath taken in Examining the Demands of publick Creditors is grounded upon the Law which Entitles Such Creditors to their Claimes and agreeable to the Rule our predeceſſors ye Burgeſſ^s have conſtantly gone by And if any Publick Claimes have been diſallowed by this Houſe Such Claim hath not been within ye direction or Intent of that Law. And Such Claimant cannot with reaſon reflect on the Juſtice of this Houſe for not allowing a Demand not warranted by Law—

Wee have had conſideration of the matter projected by yor Hon^r for the aſſiſtance of the Colledge in maintaining the Indian Hoſtages But did deferr taking any reſolutions thereupon til we could See the Succeſs of the Duty Bill with the Council upon which that matter did in Some ſort depend.

Wee have declined comeing to any reſolution upon the meſſage Sent to this Houſe by yor Honour the 27th of *November* in the year 1710 relating to the Dividing Countys and Pariſhes becauſe we would Endeavour to avoid all Conteſts with the Royall Prerogative altho' that power hath been continually Exerciſed here by the Legiſlative Authority.—

The Settlement of Poſts in this Colony recommended to us in a meſſage from your Honour at our laſt Seſſion we think it Sufficiently Eſtabliſhed by Act of parliment of *Great Brittain*

May it pleaſe yor Honour

Nothing leſs than the Deplorable State of our Diſtreſſed fellow Subjects of *North Carolina* joyned with the juſt apprehenſions we have of the dangers hanging over our heads from the Common Enimye could ever have prevailed with this houſe to have made a Reſolve to raiſe Twenty Thouſand Pounds at a time when our Staple Comodity will hardly afford neceſſarys for ye Support of ye People and our preſent ffunds have proved in great meaſure deficient—

In purſuance of which reſolutions this Houſe did apply themſelves wth all Aſſiduity to find out ways of raiſing that Sume in Such manner as might be moſt agreeable to her Majeſty & Leaſt Burthenſome to her People. And when we had paſſed a Bill for Levying that money and had provided that a Competent Sume might be borrowed on Intereſt for the more Speedy carrying on the Service for which it was intended And leaſt the ffund on which the money was propoſed to be raiſed ſhould prove defficient had Engaged the Publick ffaith of this Houſe to Supply all that ſhould be wanting of that Summe And had prayed her Majeſtye to accept thereof And made humble Suit to yor Honour that ye Bill might paſs. Wee did beleive we had performed our Duty to our Queen and the People we repreſent And if any misfortune ſhould befall this Country (which God avert) for want of that Succour which we deſire to give Wee humbly are of Opinion it cannot be juſtly laid to our charge—

Ordered. That the ſaid Addreſs be fairly tranſcribed and ſigned by Mr *Speaker* and that the Committee that prepared it with Mr *Stanmup*, Mr *John Robinſon*, Mr *Grey*, M^r *ffrancis Epes* Mr *Newton* and Mr *Preſly* do preſent the ſame to the Governour

Mr *Buckner* reported that the Committee for Publick Claimes had (according to order) prepared an anſwer to ye Councils meſſage relating to the Book of Claimes which he

he read in his place and then delivered in at the Table where the Same being again read was with Some Amendments agreed unto by the Houſe and is as followeth—

By the Houſe of Burgeſſes.

May it pleaſe yor Honours

The Burgeſſes now in Aſſembly having Serioufly conſidered your Honours meſſage relating to ye Book of Claimes cannot be of Opinion to allow the Claim of *Sufanna Allen* the Law of the Country Directing that no Debts ſhall be paid by the Publick but Such as are Enjoyned to be paid by Some particular Act of Aſſembly And the Burgeſſes conceiving that the Said Claim if paid by ye Publick will not be warranted by any Law of this Country therefore they inſiſt upon the diſallowing the Same. And they alſo inſiſt upon their diſallowing the Claim of *John Marot* for the Same reaſons—

The Burgeſſes cant agree that the Militia of the Country of *Prince George, Surry* and *Iſle of Wight* for their Service at *Nottoway* Town ſhall be Exempted from the payment of this yeares publick Levy for that the Law doth not direct any Allowances to be made for Services of that nature—

The Burgeſſ^s have conſidered the Severall Claims of *John Bayly* and *George Luke* Eſq^r and have made Suitable Allowances thereon—

The Burgeſſes have conſidered thoſe parts of your Hon^rs meſſage relating to the money which you propoſe may be paid to the Sever^ll perſons in lieu of the Tobacco to them ordered and are of Opinion that thoſe Allowances ought to Stand in the Book. of Claimes as they now do the Law directing Tobacco payments to be made in caſes of that nature

The Burgeſſes have according to your Honours meſſage Struck out of the Book of Claimes the Allowance made to *Henry Cary* for 32 Days Labourers work of the Governours Negro's. The Burgeſſes having on the 12th Inſtant had under their Serious Conſideration the Claim of Mr *Curle* for his Diſburſements on the Spye Sloop did then reſolve that the Said Claim was not a Country Charge And ſtil retaining the Same Opinion cannot recede from that reſolution—

The Burgeſſ^s having conſidered the Claim of the hon^ble Mr Secretary *Jennings* for Severall fees due to him for Iſſueing Commiſſions & other Services about the Courts of Oyer and Terminer are of Opinion that the Same is not a Country Charge

The other part of the Claim of the ſ^d Mr Secretary *Jennings* for Two writts for Election of Burgeſſ^s is allowed as hath been vſuall

The Burgeſſes deſire yor Honours not to inſiſt upon thoſe unvſuall Allowances to be made in the Book of Claimes which they have not agreed to but that you will paſs the Said Book as it now ſtands

Ordered That the Said meſſage be fairly tranſcribed and Signed by the Clerk of this Houſe and that the Committee for Publick Claimes do preſent the Same to the Council—

Mr *Holloway* reported that the perſons appointed had (according to order) preſented the Addreſs to the Governo^r That he was pleaſed to receive the Same and to ſay it was long but that he would give an Anſwer thereto—

Reſolved That this Houſe will to morrow reſolve it Self into a Committee of the whole Houſe to conſider further of the Governours firſt Speech at ye Beginning of this Seſſions—

A written meſſage from the Council by Mr *Robertſon* wth the Bill entituled *an Act for granting to her Majeſty certain Dutys upon Severall goods & Merchandiz^s for carrying on a Warr againſt the* Tuſcaroro *Indians their Adherents and Abettors* the Said meſſage being as followeth—

December the 20th *1711*

By the Council

The Council having taken into conſideration the meſſage Sent Yeſterday by the Burgeſſ^s in anſwer to their meſſage of the ſame Date deſireing a further Conference with that Houſe upon thoſe parts of their meſſage of the 13th Inſtant to which the Burgeſſ^s had returned no anſwer came to the following Reſolution *vizt*

It

It is Reſolved by the Council is [in] Aſſembly That the Burgeſſ[s] inſiſting upon it as their priviledge to denye the Council a Conference which was deſired in order to the Setling the differences concerning the Severall Impoſitions raiſed in a Bill Entituled *an Act for granting to her Majeſty certain Dutys on Severall goods and Merchandiz[s] for carrying on a Warr againſt the* Tuſcarura *Indians their Adherents and Abettors* is a breach of the priviledges of the Council in Aſſembly and highly prejuditiall to the Publick Service in the preſent Exigencies for the reaſons following.

As being contrary to the practice of parliment in *Great Brittain* where Conferences have been admitted and even Deſired by y[e] Commons in a money Bill, many Inſtances of which the Council are ready to produce diverſe of which may be found in an account of Two famous Conferences upon the Bill entituled *an Act for an additionall Impoſition on Severall forreign Comoditys and Manufactures of this Kingdome April* the 19th and 22[d] Anno 1671 publiſhed by *Arthur* Earl of *Anglefey*.—

2[d]. As being highly prejudicial both to her Majẽſts and y[e] Countrys Service For if the Council have any Juſt Exceptions to any Impoſitions in any bill how can they be otherwiſe removed but by Conference—And if not removed the Council muſt be reduced to thoſe Streights that they muſt either Aſſent to a Bill Some part of which is contrary to the beſt of their Judgment and Conſcience which would be againſt their Duty and Oathes Or they muſt Diſcent from the Bill tho' in the other parts of it they Judge it to be never So much for her Majeſtys and the Countrys Service—

3[d]. If becauſe a Bill beares the Title of a grant of Impoſitions to her Majeſty the Council can have no Conference about it they may have their undoubted Rights and priviledges in other things Invaded under this pretence. For in caſe So high an Impoſition ſhould be laid on any Comodity Imported into or Manufactured in the Country as would amount to a totall prohibition by this Artifice the Council might be drawn into all Such prohibitary Acts without a hearing or Conference and So the Country totally ruined by tacking in one Bill the prohibition of its moſt neceſſary Commoditys with the neceſſary Supplys in time of Danger and could not have any meanes left of comeing at the Advantages of the One without accepting with it the Ruine bro[t] by the other.

4. Admitting (but not granting) that it is a Priviledge of the Houſe of Coñons in the parliment of *Great Brittain* to have the Sole Grant of all Aides and Subſidys So that nothing remaines to ye Houſe of Lords there beſides their bare aſſent or Diſſent to Such Bills we think it would not follow from thence that the Houſe of Burgeſſ[s] in this Country hath the ſame priviledge unleſs Something could be ſhewed from any Grant from the Crowne of *England* inveſting them with all thoſe Priviledges. For as the Council for being the upper Houſe of Aſſembly is not intituled to all the priviledges of the Houſe of Lords (for they have neither a Right of Judicature nor can they give their Vote by Proxey nor have they their places by Birthright as the Peers in *Great Brittain* have, but only during her Majeſtys Pleaſure to none of which nor a great many more that might be Enumerated do wee Pretend And as the great Council in this Colony is Stiled only a generall Aſſembly not a Parliment and the Acts of it tho' Ratifying [ed] by the Gover[nor] are only Temporary til they afterwards receive the Royall Approbation In all which and many other things our Conſtitution is different from that of *Great Brittain*) So we See no reaſon why a Houſe of Burgeſſes can imediately pretend to all the priviledges of the Houſe of Commons in *Great Brittain* unleſs Some particular Grant of thoſe priviledges can be produced from the Crowne The very power of Legiſlature has not always been after the formes of *England*—for ſometime the Council and Burgeſſ[s] Sate in One houſe and by Common Conſent conſulted about and paſſed all Lawes for Impoſitions as well as other things—And tho' the Council and Burgeſſ[s] were afterwards by the Royall authority permitted to ſit in different houſes yet all Acts whatſoever not Excepting money Bills are Stil ordered to be Enacted—by the Common Conſent of both houſes. And therefore the Council know no reaſon why the Council ſhould be Excluded their Share either in the deliberating or Enacting part of them. tho' for avoiding unneceſſary Controverſys they do not diſpute money Bills having their Riſe

in

in the Houſe of Burgeſſ[s] But while the Councils Conſent is neceſſaryly required to the perfecting of them they can See no reaſon why that Aſſent is not to be prepared and brought on (if need be) as their Aſſent to all other Bills by the way of Amendment or Conference which is the only way both houſes have left to come to a right underſtanding in caſe of difference and to cutt off Conferences in any Caſe is So farr from being a Priviledge to either houſe that It is a manifeſt Impediment to the buſineſs and Conſequently an Injury to both—

Reſolved By the Council in Aſſembly that Since the Burgeſſ[s] will admitt of no Conference for amending thoſe Clauſes in the aforementioned Bill to which the Council have Juſt Exceptions the Council cannot paſs the Said Bill as propoſed by the Burgēſſ[s]

Ordered That the Said Bill be Sent down to the Houſe of Burgēſſ[s] Together with thoſe Reſolves in Juſtifycation of the priviledges of the Council and their proceedings on the Said Bill—

The Meſſage being read.

Reſolved That the ſame be taken into conſideracon on *ffryday* next—

M[r] *Chriſtopher Robinſon* moving for leave to be abſent from the Service of the Houſe til *ffryday* next upon Extraordinary occaſions Leave is accordingly given him—

And then the Houſe adjourned til to Morrow Morning—nine a Clock.

Saturday December 22[d] 1711

MR. *Waller* moving for leave to go into the Country upon Extraordinary Occaſions Leave is accordingly given him—

Ordered That he attend the Service of the Houſe again on *Wedneſday* next

Upon a motion made, the Houſe was called over, and thereupon—

Ordered That M[r] *Wilſon*, M[r] *Curl*, M[r] *Ballard* and M[r] *Holloway* be lyable to the Cenſure of the Houſe, if they do not (according to their Duty) attend the Service of y[e] Houſe on *Munday* next—

M[r] *Spratt* moving for leave to be abſent from the Service of the Houſe upon Extraordinary Occaſion, Leave is given him—

Reſolved That this Houſe will on *Wedneſday* next reſolve it Self into a Committee of the whole Houſe to conſider further of the Governours firſt Speech to this Houſe this Seſſion—

And then the Houſe adjourned til *Monday* next one a Clock in the After noon.

Monday December. 24th 1711

A WRITTEN meſſage from the Council by M[r] *Robertſon* with the book of Claimes.

M[r] Speaker *and Gentlmen of the Houſe of Burgeſſ[s]*

Upon conſideration of your meſſage of yeſterday relating to the Book of Claims. the Council find themſelves under a neceſſity of inſiſting on the Claimes of *Suſanna Allen* and *John Marot* being for the Subſiſtance of the priſoners taken in a *ffrench* Privateer. ffor they think it would have been very hard and vnreaſonable to have Suffered the Said Priſoners to Starve or go a begging about the Country and the Queens Revenue falling So Short that there is not enough to defray the vſuall Sallarys and incident Charges of the Government (as you may See by the Accounts of it if you'l pleaſe to inſpect them) they can't perceive where it can be ſo properly paid as by the Publick it being A great Service to the Publick to Seize all Such Enimys as infeſt our Coaſts And tho' the Law has not provided for this Caſe, yet they See not why the Generall Aſſembly with y[e] aſſent of the Governour having the Legiſlative power in their own hands are not Sufficiently Impowered and will not be Sufficiently juſtifyed

juſtifyed in defraying the neceſſary Subſiſtance of Priſoners in *great Brittain*, indeed this Charge is imediately defrayed by the Queen, but out of the ffunds appropriated for the Warr of which her Majeſty has none in this Country and the like Charges have been formerly allowed by the Generall Aſſembly, as particularly in the Caſe of the Priſoners taken in a Pyrate by Capt *Paffinger* in y^{e} *Shoreham* in the year 1700—

As to the Allowances to the Militia of *Prince George, Surry,* and the *Iſle of Wight* for their Services at the *Nottoway* Towne for which you ſay the Law has made no Proviſion The Council deſire you to remember that the barbarous Maſſacre committed a little before that time on o^{r} Neighb^{rs} of *North Carolina* together with the flagrant Suſpitions that many of our owne Tributary Indians were Confederate with theſe Murderers made it neceſſary for the Governour in order to the Secureing the peace of this Government to raiſe a good Body of the Militia to deterr them from Joyning with our Enimys and to oblige them to give us the Sureſt pledges of their fidelity a Service which by your own Addreſs to the Governour you have owned to have been a very Prudent and Seaſonable one and which put the Governour to a very great perſonall Trouble and Charge, and therefore whither it be within the direct letter of any Law or not Wee hope you will in honour to the Governour and in Reward of the Services of the men whoſe duty it was to obey orders whether for Suppreſſing a preſent Inſurrection or Invaſion or to march for any further Services that might have been required of them allow of that Claim or at leaſt that ſmall Teſtimony of the Publick gratitude to them to Exempt them from the Publick Levy this year leſt otherwiſe men ſhould be diſcouraged from a readineſs to attend the publick Service when required and in Caſes of ye greateſt Danger.—

As to the few money Debts which Some Gentlemen contract^{d} for Such neceſſarys as were not to be purchaſed for Tobacco in the late time of danger, the Council are of Opinion that both in honour to them, who for the publick Service contracted thoſe Debts, and that others may not be diſcouraged from truſting the Publick in the like times of Danger, it is more juſt and Safe and reputable to pay them in money than to be So unſeaſonable good huſbands as to put them off with Tobacco. For who will hereafter give Ready money out of his pockett to be repaid in Levy Tobacco all over the Country. The Council recommend this for others But as to the Two of their own Number who are concerned in this Claim. Coll *Ludwell* & Coll *Smith* they do not inſiſt upon it—As to the Charges about ye Spye Sloop the Council inſiſt upon it as a neceſſary Country Charge which was Incurred purely in defence of the Country and which there is no money to defray in the Revenue—The Council deſire you to conſider how fatall it will be to the Country when privateers ſhall come upon the Coaſt if the Governour is deprived of all meanes of proper Self defence, or muſt be left to defray it out of his own Pockett when the Revenue falls Short.

If the Governour by the unſeaſonable ffrugality of ye Aſſembly ſhall either be diſcouraged and diſabled from his Laudable Endeavours to Secure the peace and Safety of the Country or be forced as the Governo^{rs} of Some other Plantations to have Recourſe to the Queen and Parliament of *Great Brittain* for defraying this Charge. The Council apprehend much greater Inconveniencys to the Country by thoſe methods than by defraying it in an honourable manner as they propoſe. And therefore hope for the Concurrence of the Houſe of Burgeſſes with the above mentioned Amendments and allowances in the Book of Claimes being no more than were *bona fide* Laid out for the Publick Service without any the leaſt Suſpition of miſpending or miſapplying any part of them for private Advantage.

Saturday December 22^{d} 1711

A meſſage from the Council by Mr *Robertſon* That ye Council have agreed to the Reſolves of this Houſe for payment of forty Seven pounds One ſhilling and ten pence to Mrs *Elizabeth Harriſon*

The Houſe being informed that the meſſinger had purſuant to Mr *Speakers* warrant taken into Cuſtody Mr *Dudley* for his failure in not attending according to his Duty ye Service of the Houſe and that he attended at the door—

Ordered

Ordered That he be Diſcharged out of Cuſtody paying ffees and that he be admitted to take his place in ye Houſe—

The written meſſage from the Council was read and after a Debate, the queſtion was put.

That ye meſſage do lye upon the Table—

Reſolved in the affirmative And thereupon

Ordered That it do accordingly lye upon the Table—

A written meſſage from the Honble the Liev^t^ Govern^r^ by Mr *Robertſon*—

*M^r^* Speaker *and Gentlemen of ye Houſe of Burgeſſ^s^*

When I conſider how little has been done this Seſſion I am very vnwilling to undoe it all by a Prorogation And Seeing how little you are diſpoſed in this cold Seaſon to diſpatch Buſineſs and hoping that by a ſhort Receſs in theſe holy days. Your reſolutions may be more quickened at your next meeting I therefore give you Leave to adjourn your Selves til *Thurſday* the 24th of next month

December 24th 1711 *A Spotſwood*

The Said meſſage was read, And thereupon.

The houſe (according to the Leave given them) Adjourned til *Thurſday* ye twenty fourth of next Month.

Thurſday January 24th 1711

AN engroſſd bill from the Council Entituled *An Act to reſtrain Trade with Indians in this time of Danger* was read the firſt time And ordered to be read a ſecond time

And then the Houſe adjourned till to morrow morning ten a Clock

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Friday January 25th 1711

UPON a Motion made

The Houſe was call'd Over, and thereupon

Ordered, That Mr *Wilſon*, Mr *Newton*, Mr *Bouſh*, Mr *Spratt*, Mr *Byrd*, Mr *Wm Robinſon* Mr *Neale*, and Mr *Allerton* do attend the Service of the houſe to morrow, and that if they then fail in their attendance, they be ſent for in Cuſtody of the Meſſenger to anſwer the ſame, and that Mr *Speaker* iſſue his Warrant accordingly.

Ordered That Mr *Chriſtopher Robinſon* Mr *Preſley* do attend the Service of the Houſe on *Munday* next, and that if they then fail in their attendance, they be ſent for in Cuſtody of the Meſſenger to anſwer ye ſame, And that Mr *Speaker* iſſue his Warrant accordingly.

The Houſe being informed that the Meſſenger had purſuant to Mr *Speakers* Warrant taken into his Cuſtody Mr *Tarpley* for his failure in not attending according to his Duty the Service of the Houſe, and that he attended at the door, he was thereupon called to the barr, and being according to the directions of the Houſe reprimanded for a neglect, was Ordered to withdraw, and being withdrawn

Ordered That he be diſcharged out of Cuſtody paying fees.

Ordered That all Committees be revived

Reſolved That the written Meſſage from ye Council on the twentieth of laſt month relating to the bill for granting to her Majty certain dutys be taken into conſideracon on *Munday* next

Reſolved That this Houſe will on *Munday* next reſolve it ſelf into a Committee of the whole Houſe to conſider further of the Governors Speech to this Houſe this Seſſion

The Houſe proceeded to take into conſideration the written Meſſage from the Council on the 24th of laſt month relating to the book of Claims, and thereupon—

Reſolved That this Houſe doth adhere to their Opinions in their laſt Meſſage to the Council relating to the book of Claims.

Ordered That the Committee of publick Claims do carry the book of Claims to the Council and acqt them with the fd Reſolution, and deſire their Honrs to paſs the fd book as it now Stands

And then the Houſe Adjourned till To morrow morning ten a Clock

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Saturday January 26th 1711

THE Houſe being informed that Mr *Wilſon* and Mr *Newton* Members of this Houſe are upon their paſſage hither, and that their delay has been occaſioned by contrary Winds it is therefore Ordered That Mr *Speaker* forbear iſſuing his Warrant, which he was Yeſterday Ordered to iſſue for ſending for them in Cuſtody of the Meſſenger, upon their failing to attend the Service of the Houſe this day

And then the Houſe Adjourned till *Munday* morning ten a Clock

Munday

Munday January 28th 1711

THE Houſe being informed that the Meſſenger had purſuant to Mr *Speaker*'s Warrant taken into his Cuſtody Mr *Allerton* a Member of this Houſe and that he attended at the door, It is Ordered that he be diſcharged out of Cuſtody paying fees, and that he be admitted to take his place.

The Houſe being informed that the Meſſenger had purſuant to Mr *Speaker*'s Warrant taken into his Cuſtody Mr *Eskridge* a member of this Houſe for his failure in not attending according to his Duty the Service of the Houſe reprimanded he withdrew[1], and was then Ordered to be diſcharged paying fees.

Upon a motion made. The Houſe was call'd over, and thereupon—

Ordered That Mr *Simmons* be not admitted to take his place in the Houſe till he has made his Excuſe at the Bar for abſenting himſelf from the Service of the Houſe

Ordered That Mr *Speaker* forbear iſſueing the Warrant Ordered to iſſue, for the ſending for Mr *Chriſtopher Robinſon* in Cuſtody of the Meſſenger, upon his failing to attend the Service of the Houſe this day; the Houſe being now informed that his abſence is occaſioned by the Sickneſs of his family.

Mr *Holloway* reported that the Committee of propoſitions and Grievances had according to order prepared a bill to amend an Act of Aſſembly Entituled *An Act declaring the Negro Mulatto & Indian Slaves within this Dominion to be reall Eſtate*, which he preſented to the Houſe, and the ſame being receiv'd was read the firſt time and Ordered to be read a Second time

The Houſe according to order proceeded to take into conſideration the Meſſage from the Council on the twentieth of laſt Month, relating to the bill for granting to her Majeſty certain Dutys, and the ſame being read, after a Debate

Reſolved That this Houſe will to morrow morning reſolve it Self into a Committee of the whole Houſe to conſider the ſaid Meſſage.

Mr *Simmons* being at the Door was called to the bar to make his Excuſe for abſenting himſelf this day from the Service of the Houſe, and he having made his Excuſe withdrew and thereupon.

Ordered That he be admitted to take his place in the Houſe—

An engroſſed bill from the Council Entituled *An Act to reſtrain trade with Indians in this time of Danger* was read the Second time, and after Debate

The queſtion was put that the bill be Committed for amendments

Reſolved in the Affirmative and thereupon

Ordered That it be committed to the Committee of Propoſitions & Grievances, and that Mr *Soane* be added to the ſd Committee on that Occaſion

A Meſſage from the honble the Lievt Governor by Mr *Robertſon*

Mr *Speaker*

The Governor commands the immediate attendance of this Houſe upon him in ye Council Chamber, and accordingly the Houſe went to attend the Governor, and being returned

Reſolved That this Houſe will on *Munday* next reſolve it ſelf into a Committee of the whole Houſe to conſider further of the Governors firſt Speech to this houſe this Seſſion

And then the Houſe Adjourned till to morrow morning ten a Clock

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Tueſday Janry 29th 1711

MR. *Speaker* acquainted the Houſe that according to the Governors command the Houſe went Yeſterday to attend him in the Council Chamber, that he was there pleaſed to make a Speech and that the ſame being long he had deſired and obtained a Copy thereof which he read and is as followeth *Viz*'

Mr

[1]The text is evidently defective here. The general ſenſe, however, is clear enough.

Mr Speaker & Gentn of the Houſe of Burgeſſes

Seing the ſhort Repreſentation I gave you a while agoe of yor Behaviour both towards yor Country and yor Governor did not awake you into a more juſt & reaſonable performance of your Duty. I was willing to try whether a receſs might not bring some of you more ſeriouſly to reflect on their miſtakes and more chearfully to Sett about the publick Buſineſs, but I am ſorry your perſeverance draws me into a more particular diſcuſſion of your proceedings eſpecially Since you have pretended to Juſtifye your Selves by anſwering to what I never meant, for

In the firſt paragraph of my Speech (on the 19th of the laſt month) where I told you of my Earneſtneſs to aſſent to your Rangers Bill, you would force a Conſtruction on my words as if I queſtioned whether money Bills were to have their foundation from you. To Explain my Self then for your better underſtanding me, I ſay that while the Adminiſtration of this Government is in my hands I might juſtly reſent that no Service whatſoever done the Country unleſs it happens to have been firſt directed by your Houſe, can be rewarded, as for Inſtance The Rangers whom I appointed upon the late Maſſacre, you have not thought worthy of payment, tho' at the Same time you have Judged both the Services and the pay neceſſary in a Bill prepared by your Selves Indeed I cannot conceive the Juſtice that perſons who do the Same Service, ſhould not be entituled to the Same Rewards unleſs you Judg it Criminall for your Governour to give or the people to Execute any orders without your Conſent, even in ſo neceſſary a point as the defence of the Country.

You ſay the firſt part of your time was taken up in preparing Such Lawes, as from the Peoples Repreſentations of their Greivances—And your own due conſideracon you thought proper to be Enacted. This juſtifyes my Complaint of your Silence to my Speech and meſſages which I think, (in good manners) ought to have been firſt conſidered, eſpecially ſince they contained nothing but what was for the Security and good of the People And ſince you allow the latter part of your time to have been waſted in attending the Returns of Bills from the Council—I have juſt cauſe to reſent that even then, when you had no buſineſs—my Speech was with an Air of Contempt poſtponed from day to day for conſideration—

I have already complained of the Incongruity of your proceedings and your laſt Addreſs might make one think you inſiſted upon it as one of your priviledges; for now you have agreed plainly to tell me that fortifycations are uſeleſs to this Country, notwithſtanding I can call your whole Houſe to witneſs, that this very Seſſion you as Solemnly declared to me that great miſery might Inevitably have fallen upon you without Some preparations of that kind—

You ſay the Laws have made Sufficient proviſion for the Gentlemen of the Clergy; 'tis ſtrange then that none of you venture to bring vp a Child to that holy order, Since he is ſure to be a Gentleman and well provided for: But doubtleſs you know your Lawes allow more to the meaneſt Blackſmith for his Mechanick work, than they do to the Learneſt Paſtor for his Divine Labours. Yet however you come to imagine that the Clergy have enough, tis no Argument that you have enow of them, and that there is no occaſion to Supply the Country better with Churches, nor any need to remove the Inconveniencys many paſtors and their flocks Labour under: theſe I'm ſure were the very matters I Expreſſly recommended to you, and which you have taken no notice of; unleſs this Declaration of your doing nothing for the Miniſters, is to denote yor Reſolutions in every Point that concerns the Church—

Could you have charged me with the Leaſt male Adminiſtration, I do not doubt but in your late Addreſs you would have diſplayed it in as large Characters and as diſtinguiſhed a Paragraph, as the paſſage you point at in my laſt Speech; which you Seem to think you have proved Erroneous, by minding me of your Bill for a publick Goal: but if you would compare my Speeches a little better together than you do your

own

own addreſſes, and reflect on what you have done for the County Goals, you'l find my aſſertion to be juſt—

It Seems we differ widely in our Opinions on the Duty bill, & methinks you very arbitrarily contradict, while you are keeping your doores ſhutt to all reaſoning upon it. But to reſolve no otherwiſe to provide for the defence of your Country, than by a Bill of an Extraordinary nature, and to imagine that a Simple Tender thereof, acquitts you of your Engagements, carrys the face of ſo much danger and Diſhonour, that I admire to heare you ſay you can acquieſce under the like.

The making your Militia more uſefull, is what I'm ſure I have been a long while Labouring at to perſwade you to, and whether you be deſirous of the ſame, I leave the world to Judge; when you argue that you ought to delay the Regulation of the Militia, becauſe you are juſt going to make uſe of it, and ſay 'tis moſt proper to wait til the Warr be over, before you conſider of a method for providing men with Armes and Amunition or of Lawes for Governing refractory perſons in times of Danger. If this Sort of reaſoning prevails in your Houſe, no wonder then that I have in vain attempted to bring you by force of Argument into meaſures of better Secureing the Country—

To plead that Juſtice is to be diſpenſed no otherwiſe than as warranted by Law, may be tolerable Doctrine from a Lawyer at the Barr of a Court; but for a Legiſlative power to pretend that the juſt Claimes of Publick Creditors can't be allowed, becauſe not under the plain Direction of ſome former Law, is very Surpriſing; for I take it to be the main end of our meeting, as well to Redreſs and prevent Grievances, as to provide for the Safety and honour of her Majeſtys Government, and to Say we cannot right a Subject, when Juſtice, honour and the Supporting the Publick Credit pleads for him is to declare Wee have no power to Enact Equitable Lawes, to Enlarge defective ones, or to abrogate thoſe which prove inconvenient.

Yet if you will ground your proceedings ſtrictly on Law, then ſhew me that Act which warrants your admitting a mans Claim for Six ſhillings, and at the Same time reſtrains you from allowing him any more than the value of Three—

And if you will tye yourſelves up to the Rule yor Predeceſſors have gone by, then why do you diſpute the maintenance of the laſt priſoners taken by the Enterprize, Since they have formerly diſcharged a much greater expence for thoſe bro^{t} in by the Shoreham?

But if you may break the method of former Houſes of Burgeſſ^{s}, yet why do you chooſe to do it, rather in favour to your Clerks & Meſſengers, than in Juſtice to thoſe, who relying on the Honour of an Aſſembly, have, without the leaſt Suſpition of Self advantage, diſburſed their ready money, to procure for the Publick Service thoſe things that could not be gott for Tobacco?—

But Surely the Law ſpeaks as plain as words can Expreſs it in behalf of the *Nottaway* Claimants; and muſt we have recourſe to that wofull diſtinction (broacht in the *ffrench* King's Cabinet) between the Letter and the Spiritt, in order to Evade ye payment of their juſt Demands?

The Spye-boat was hyred upon the Councils unanimous Opinion of the neceſſity thereof, and Since it cannot be pretended that it was Sett out with any other view than the Countrys Safety; or Imployed in any other than the publick Service of this Colony; I muſt look upon it to be as much a Country Charge as any Article in yor Book of Claimes—

And as I hold myſelf accountable for the Iron taken out of the Stores of her Majeſtys Navy, I do inſiſt upon having as much paid for it, as I have already given an Account that I have received for other leſs valuable Iron which was Sold by Auction—

The fund I projected to Settle by your Concurrence on the Colledge, would have coſt you as little, as the Thanks you gave her Majeſty laſt year for her Royall Bounty to the Same—And if you think your ſelves obliged to make good the Treaty I have made with the *Tuſcarora* Indians, you will find it your Intereſt to Enable the Colledge at So cheap a rate to take ye Hoſtages off your hands. The reaſon you give for deferring

your

your Refolutions on that point, is a clear confeffion of what has been objected to the Duty Bill; that it was an hardfhipp on the College, Since it Seems what I propofed was intended by you as an Equivalent—

I charge you not with your declining to come to any refolution upon my meffage, Sent your Houfe the 27th of *November* 1710, but with your declaring (as it Stands upon your Journalls) to have never yet confidered it, no more than another of 6th *December* 1710, wherein I vindicated her Majeftys Juftice, when you prefumed to mifrecite the Royall Charter, and thereupon to argue that yor antient Rights were infringed. If my reply to your Addrefs convinced you of yor Error and was unanfwerable, methinks you might have acquiefced in a more decent manner, than by publickly ordering my meffage to be referred from Seffion to Seffion, as if it were not worthy of yor Confideration—

I know the Settlement of pofts in this Colony, which you laft Seffion rejected, is now effectually done by Act of parliment, and it is happy for her Majeftys Subjects, that there is a Superior power to refort to, whenever an Affembly of thefe plantations fhall run into Extravagant meafures, and obftinately obftruct what is juft and reasonable—

In fine tho' her Majefty fhews a favorable regard to thefe Colonys, yet I'm fatisfyed *Great Brittain* is fully as much under her Princely care, and therefore am not convinced that your Houfe has been upon Wayes and meanes the moft agreeable to her Majeftye when you were offering to lay a Duty of ten ℔ Cr on the Manufactures of *Great Brittain*, and nothing on thofe of the Plantations: befides thofe who framed your Bill, have contrived it to be So Exceptionable in almoft all its parts; that I'm perfwaded Twenty thoufand pounds were never intended to be raifed any otherwife—than in Huge Letters. Nay and your own Members Seem to have the Same Opinion, Since not one of you have yet offerred to lend a fhilling upon it, notwithftanding you maintaine that 6 ℔ Cent Intereft is a Sufficient Encouragement. And you may lay what Strefs you pleafe on the Publick faith you have Engaged for Supplying the Deficiencys, But by all the Inquirys I have made, I can heare of no man that will venture One hundred pounds upon it: To So low an Ebb have you brought Affembly—Credit, by treating Publick Creditors as you have done, and by leaving your Governour under ye neceffity of Violating Treatys, which he at your Inftances had made.

Mr Speaker *and Gentlemen of the Houfe of Burgeffs*

He that acts honeftly may alwaies act boldly and tis not the poffeffing the minds of the Populace with your being the only true Defenders of the poor that will deterr me from Shewing my Diflike of Some of your unwarrantable proceedings I came hither with a refolution to be as great a Patriot to this Country as any one of you can pretend to—and I will ftand in the Gap—to Stopp all meafures that may injure the people as particularly Such as may Juftly draw upon this Government the Refentment of Yor Sovereign to whom I muft ever render a faithfull Account of my Adminiftration and am grieved to find my Self under the neceffity of repreſenting yor Behaviour even at a time when her Majefty is provoked to have Recourfe to New Methods for Checking the Extravagancys of other plantation Affemblys—

I fhould be glad in refpect to Severall wife and honeft Gentlemen of your Houfe who with Concern behold the prefent Confufions in your Councels to find an Excufe for the Irregular proceedings of this Seffion and cannot tell how to account for the Same—otherwife than by beleiving a rumour now abroad that Some Crafty and ambitious perfons to accompliſh their Sinifter ends have led you into abundance of thefe Irregularitys with an intent to diffolve this Affembly. But let Such men have a Care that while they aim at the Diffolution of One Affembly they do not procure a Reftraint to be Laid on all Affemblys.—

You have yet if you pleafe time to confider of Saving both your Countrys Honour and your own reputations and to come to better Refolutions for Securing your Selves and thofe you Repreſent and let me prevail on you Seriouſly to think in what a dangerous

Scituation

Scituation you leave the State—The Treaſury intirely Exhauſted, the Publick Credit utterly ruined and the Conditions of a Treaty made with a numerous Body of Indians to be complyed with in the Space of Two months—I entered not upon it, but at the Inſtances of yor Houſe and concluded no Article but by the unanimous Advice of the Council and ſhould you leave me to Extricate my Self as well as I can out of this affair you will not only Expoſe your ſelves to the Cenſure of all Mankind but alſo Yo^r Country to the Rage of the Heathen—

Let the Conſequences be what they will I ſhall have this to Comfort me that I have done my duty and having the whole Council and my own Conſcience witneſſes of my deliberated Actions and Diſintereſted Intenſions I can boldly ſtand the Strickteſt Scrutiny into my Adminiſtration—

The things here repreſented are ſuch undenyable matters of ffact that I can only wiſh you would ſtrive rather to amend than to Excuſe what has hitherto been amiſs And I Do aſſure you that I ſhall readily yeild to whatever you can with reaſon and Juſtice Demand.

The ſaid Speech was read and upon a motion made

Reſolved That this Houſe forthwith reſolve it Self into a Committee of the whole Houſe to conſider the ſ^d Speech and the Houſe accordingly Reſolved itſelf into the ſ^d Committee and after ſome time ſpent therein Mr *Speaker* Reſumed the Chair, and Mr *Buckner* reported from the ſ^d Com^tee that they had gone through the ſaid Speech and had come to a Reſolution thereupon which he read in his place and then delivered in at the Table where the ſame being again read was agreed unto by the Houſe and is as followeth

Reſolved That an anſwer in writeing be prepared to ſev^ll paragraphs of the ſ^d Speech

Ordered That it be referred to the Committee of propoſitions & Greivances to prepare & bring in y^e ſ^d Anſwer

Mr *Holloway* from the Committee of propoſitions & Grievances to whom the Engroſſed bill from ye Council Ent^d *An Act to reſtrain Trade wth Indians in this time of Danger* was committed for Amendm^ts Reported that the ſ^d Committee had agreed to Sev^ll amendm^ts to be made in the S^d bill which he read in his place & then delivered in at the Table where the ſame being twice read & agreed unto by the Houſe

Ordered That the ſ^d Bill wth the amendments be read a third time.

The Houſe according to order) reſolved it ſelf into a Committee of ye whole Houſe to take into conſideration the Meſſage from the Council on the twentieth of laſt Month relating to the Bill for granting to her Majeſty certain Dutys and after ſome time Spent therein Mr *Speaker* reſumed the Chair, and Mr *Buckner* reported from the ſ^d Committee that they had made ſome progreſs on the ſ^d Meſſage, and had directed him to move that they may have Leave to Sit again

Reſolved That this Houſe will to morrow morning Reſolve it ſelf into a Committee of the whole Houſe to conſider further of y^e ſ^d Meſſage

And then the Houſe Adjourn'd till tomorrow morning ten a clock.

Wedneſday Jany 30th 1711

AN engroſſed bill from the Council Entituled *An Act to reſtrain trade with Indians in this time of Danger* was with the Amendm^ts read a third time and the Queſtion being put

That the bill do paſs, It paſs'd in the Negative

The Houſe (according to order) Reſolved it ſelf into a Committee of the whole Houſe to conſider further of the Councils Meſſage on the twentieth of laſt month relateing to the bill for granting to her Majeſty certain dutys and after ſome time ſpent therein Mr *Speaker* reſumed the Chair, and Mr *Buckner* reported from the ſ^d Committee that they had gone through the S^d meſſage and had come to ſome Reſolutions thereon which

which he read in his place, and then delivered in at the table where the same being read were all *nemine contradicente* agreed unto by the House, and are as follow—

Resolved That the Council by charging the Burgesses in the s^d Message with a breach of the priviledges of the Council in Assembly and with proceedings highly prejudicial to the publick Services in the present Exigencies and grounding that Charge upon an insisting of the Burgesses that it was their priviledge to deny the Council a Conference which was desired in order to the Settling the differences concerning the sev^ll Impositions raised in a bill Entituled *An Act for granting to her Majesty certain dutys on sev^ll goods and Merchandizes for carrying on a War againſt the* Tuscaruro *Indians their Adherents & Abettors* have thereby charged the Burgesses wrongfully and grounded that charge upon an insisting which is not to be found expressed in any of the Votes or Messages of the Burgesses.

Resolved That the Resolves and reasons of the Council in the s^d Message upon a Serious consideration of the same are not a Justification of the proceedings of the Council upon the s^d bill but do contain groundless and unjust Reflections on the proceedings of the Burgesses upon the said bill

Resolved That the s^d Message doth not contain a full account of the proceedings between their hon^rs and the Burgesses upon the said bill by means whereof undeserved Misconstructions may be made on the Burgesses proceedings.

Resolved That it is the undoubted Right and priviledge of the Burgesses to Levy taxes and to grant Aids and to direct the method of Levying the same And that the Burgesses in admitting the Contrary would thereby depart from a Right & priviledge of the people, which the Burgesses are in duty bound to assert and maintain.

Ordered That a Copy of the said Resolves be sent up to the Council in Vindication of the priviledges of this House and in Justification of their proceedings upon the said Bill

Ordered That the Committee of Propositions and Grievances do carry the same to the Council.

And then the House Adjourned till to morrow morning ten a Clock.

Thursday January. 31th 1711

A MESSAGE from the Honble the Liev^t Govern^r by Mr *Robertson*
Mr *Speaker.*

The Governour commands the imediate attendance of this House upon him in the Council Chamber and that you bring with you Such Bills as are ready for his assent and Mr *Speaker* with the House went to attend the Govern^r where he was pleased to pass the Severall Bills following to wit—

An Act directing the manner of granting Probats & administracon of Intestates Estates—

An Act for building a Prison for Debtors to be Committed to by the Generall Court—

An Act to Enable ffrancis Yeates *of the County of* Richmond *to convey certain Entailed lands to* John Tayloe *gent. in lieu of other Lands and Negro's of greater value to be Setled to ye Same uses—*

An Act to Enable John Custis *and* ffrances *his wife to Sell A Mill with certain Lands and Negros which are entailed on the Said* ffrances *by the last will and Testament of* Daniel Parke *Esqr decēd for payments of the Debts and Legacys of the Said* Daniel—

357-358

INDEX

Index

A

Acadia, mentioned, xvi.
Accomack County, Accomack Parifh, 275, 278, 281, 322; burgeffes, vii, viii, ix, 139, 243; claims, 49, 91, 181, 247, 313, 314; grievance, 134, 314; propofitions, 15, 134; report of committee on grievances, 165, 166; report of committee on propofitions, 165, 166; return of writ for election of burgeffes, 15.
Accomack Parifh, bill to diffolve veftry, 275, 278, 281, 322.
Accomack Indians, mentioned, 98.
Accounts, limitation of action on, 139, 149, 151, 155, 161, 190, 191, 234.
Actions, act for limitation of, and avoiding fuits, 151, 153, 161, 189, 190, 191.
Adams, James, petitioner, 49, 96, 140, 266, 310.
Advice, a fhip, 186, 187.
Allen, Arthur, charge againft, 12; petitioner, 13, 141, 144, 182; taken into euftody to anfwer charge againft, 18.
Allen, Sufanna, claimant, 320, 340, 341, 345, 347; petitioner, 307.
Allen, William, examined by the Houfe, 45.
Allerton, Willoughby, burgefs, ix, 241, 242, 243, 253, 256, 261, 269, 270, 272, 275, 276, 284, 301, 303, 304, 307, 310, 319, 323, 328, 329, 330, 332, 337, 350; taken into cuftody for abfence, 351.
Almanza, battle of, mentioned, xiv.
Alverton, Teleife (Teliffe), petitioner, 48, 74.
Ambrofe, Robert, petitioner, 131.
Anderfon, William, petitioner, 273, 279.
Androfs, Edmund, mentioned, 230.
Annapolis, mentioned, xvi.
Anne, Queen, letter to burgeffes, 62; mentioned, xiii, xxxv, meffage from burgeffes to, 32, 282.
Archer, Michael, incompetent to be clerk of committee of propofitions and grievances, 259; petitioner, 241.
Archer's Hope Creek, mentioned, 71.
Armiftead, ———, burgefs, 3, 82, 132, 230, 239, 242.
Armiftead, Anthony, burgefs, vii, viii, 6, 8, 9, 12, 13, 24, 43, 46, 60, 89, 109, 135, 154, 169, 188, 203, 214, 217, 218; mentioned, 102; paid for attending meetings of committee for reviling the laws, 31.
Armiftead, William, burgefs, vii, viii, ix, 6, 8, 9, 11, 43, 46, 58, 88, 103, 129, 135, 149, 157, 171, 174, 180, 185, 190, 194, 210, 214, 216, 227, 232, 233, 243; election contefted, 244, 246; petitioner, 247; propofition, in reference to ordinaries, 72.
Armtley (Armtly), Robert, petitioner, 131; reimburfed for fervices as doorkeeper, 173.
Arnold, Benjamin, figner of grievance from King William County, 141, 150, 151.
Afhton, Charles, burgefs, vii, 7, 8, 43, 61, 70, 78, 82, 113, 124; member of committee to receive and examine the treafurer's accounts, 14.
Afhton, Henry, burgefs, vii, 7, 8, 43, 81, 82, 113.
Attorneys, fees of, 288, 290, 311; to give fecurity for payment of coffs and damages, 144, 158, 159, 160, 185, 234.
Auftria, mentioned, xiii, xiv.
Aylett, William, clerk of committee of propofitions and grievances, 89; petitioner, 46.

B

Baker, John, fummoned as witnefs in behalf of Z. Lewis, 245.
Baker, Ralph, reimburfed, 304, 309.
Ball, William, burgefs, vii, viii, ix, 7, 8, 27, 44, 79, 87, 129, 132, 136, 155, 189, 188, 204, 209, 210, 212, 214, 227, 229, 230, 231, 242, 253, 261, 264, 268, 272, 290, 294, 303, 312; letter from, 161; taken into cuftody for abfence, 195.
Ballard, burgefs, xxxi, 3, 9, 12, 24, 111, 169, 197, 255, 261, 271, 288, 289, 291, 347; juftice of peace for York County, 112.
Ballard, Francis, burgefs, ix; election contefted, 247, 248; petitioner, 244, 246.
Ballard, Mathew, petitioner, 304, 331.
Ballard, Thomas, appointed to infpect work on capitol, 35; burgefs, vii, viii, ix, 6, 8, 34, 44, 46, 89, 133, 136, 176, 243; mentioned, 244; paid for attending meetings of committee for reviling laws, 31; petitioner, 51, 52, 95, 142.
Ballard, William, meffenger, 5, 131, 134, 135; petitioner, 70; paid for ferviee as meffenger of Houfe, 173.
Barbar (Barber), ———, burgefs, 3, 9, 28, 78, 124, 132, 174, 186, 190, 192, 214, 216, 228, 239, 242, 244, 257, 268, 276, 288, 289, 303, 304, 314; juftiee of peace for York County, 112.
Barbar, Thomas, appointed to infpect work on capitol, 35; burgefs, vii, viii, 6, 8, 34, 44, 46, 89, 136; claimant, 207; petitioner, 51, 95, 142.
Barbar, William, burgefs, ix, 243; petitioner, 52, 69, 95.
Barber (Barker), Jure, figner of grievance from King William County, 141, 150, 151.
Baffett, William, appointed to adminifter oath of office, 129, 131, 133, 134, 135, 176.
Baftards, penalty for murdering, 259, 261, 262, 264, 265, 268, 298.
Baughan, James, burgefs, vii, ix, 7, 27, 50, 55, 58, 81, 109, 117, 119, 241, 264, 271; petitioner, 71.
Bavaria, mentioned, xiv.
Bayly, John, claimant, 341, 345.
Bayly, Robert, permitted to withdraw petition, 124.
Beef, fize of barrels for, 154, 158, 159, 160, 187, 203.
Beer, duty on, 186.
Berwick, Duke of, mentioned, xiv.
Berwick upon Tweed, mentioned, xxxii.
Beverley, Harry, burgefs, viii, 132, 136, 155, 165, 169, 182, 189, 208, 209, 215, 218, 219, 222, 231; petitioner, 94, 100, 102; furveyor, 278.
Beverley, Peter, burgefs, vii, viii, ix, 7, 8, 43, 70, 132, 136, 139, 140, 141, 142, 143, 144, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 167, 168, 169, 171, 172, 173, 174, 176, 177, 178, 179, 181, 183, 184, 185, 186, 190, 192, 194, 195, 198, 199, 200, 201, 202, 204, 206, 207, 210, 213, 214, 215, 216, 218, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230, 233, 242, 245; committee appointed to receive and examine accounts of, 257; paid for fervices as clerk of committee for revifal of laws, 30; report as treafurer approved by burgeffes, 266, 294; report of committee on accounts of, 160; fpeaker, xxi, 3, 4, 5, 8, 9, 11, 12, 13, 14, 16, 18, 22, 23, 24, 25, 26, 27, 28, 32, 34, 35, 39, 43, 44, 45, 47, 48, 49, 51, 52, 53, 54, 55, 58, 65, 66, 69, 71, 77, 79, 81, 82, 83, 87, 88, 90, 91, 93, 95, 97, 101, 106, 109, 113, 115, 117, 118, 122, 123, 124, 125, 197, 239, 240, 243, 244, 246, 252, 253, 255, 259, 260, 261, 262, 263, 265, 267, 270, 274, 275, 277, 278, 279, 280, 281, 283, 286, 287, 288, 292, 298, 301, 305, 306, 308, 309, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 324, 327, 330, 332, 338, 339, 340, 344, 347, 348, 349, 350, 351, 352, 354, 355, 356.
Beverley, Robert, burgefs, viii, 129, 132, 136, 138, 139, 140, 147, 151, 157, 160, 165, 169, 170, 171, 173, 174, 180, 181, 183, 185, 186, 189, 190, 201, 202, 203, 206, 208, 209, 210, 211, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 227, 228, 229, 231, 232, 233; claimant, 13, 21; clerk of committee of P. & G., 258, 259; clerk of Houfe, 4, 32; Houfe acknowledges receipt of letters and papers from, 93; letter from, 49, 90, 93; member of committee appointed to examine treafurer's accounts, 137; petitioner, 49, 204, 261; paid for reviling the laws, 31.
Bills of exchange, act for afcertaining damage on, 139, 149, 151, 155, 161, 190, 191, 234.
Bird, Robert, petitioner, 94.

Bird (Byrd), William, burgefs, vii, viii, ix, 7, 8, 43, 61, 66, 78, 81, 117, 119, 136, 151, 156, 167, 169, 174, 192, 196, 201, 202, 203, 213, 217, 227, 228, 230, 231, 239, 243, 278, 290, 318, 322, 332, 350; election of, contefted, 245, 256, 257.
Blackfton, Col., governor of Maryland, 24.
Blackwater Swamp, mentioned, 48, 103, 111, 115.
Blair, Archibald, claimant, 309, 342.
Bland, Richard, burgefs, vii, viii, 6, 8, 9, 14, 28, 35, 44, 45, 46, 129, 132, 136, 151, 156, 157, 163, 165, 169, 174, 180, 182, 185, 186, 191, 192, 199, 200, 202, 204, 206, 208, 210, 212, 214, 215, 216, 217, 228, 232, 233; member of committee to receive and examine treafurer's accounts, 14; profecuted for not reporting number of tithables in his county, 122.
Blafphemy, punifhment for, 217, 220, 221, 222, 224, 234.
Blenheim, battle of, mentioned, xiv.
Blount, Thomas, claimant, 13.
Boats, penalty for ftealing, 167, 170, 171, 204.
Bolingbroke, Vifcount, mentioned, xv.
Bolling, ————, burgefs, 47, 78, 91, 111, 115, 125, 129, 132, 163, 189, 190, 191, 196, 202, 288.
Bolling, John, burgefs, ix, 239, 242, 243, 258, 267, 272, 277, 297, 298, 301, 304, 317.
Bolling, Robert, burgefs, vii, viii, ix, 44, 46, 48, 89, 136, 243, 255, 258, 267, 269, 289, 291, 294, 301, 308, 310, 321, 337; propofition of, 98.
Bonds, limitation of action on, 139, 149, 151, 155, 161, 190, 191, 234
Boufh, Maximillian, burgefs, ix, 243, 248, 258, 261, 265, 269, 294, 307, 308, 350.
Bowles, Tobias, letter from, 92, 106.
Boyle, Robert, fund for education of Indians at William and Mary College, xli.
Braxton, Capt., letter from Jas. Wood, 92.
Braxton, George, propofition, 245, 250.
Bray, Thomas, petitioner, 241.
Bremer, John, report of committee on grievance of, 250.
Bridger, Samuel, burgefs, viii, 136, 149, 150, 182, 192, 194, 202, 206, 212, 227; letter from, 167.
Bridges, furveyors empowered to take fuch trees as fhall be neceffary to make or repair, 313.
Briggs, Henry, claimant, 294, 295, 296; interpreter, 91, 92; petitioner, 92.
Broadnax, John, claimant, 308; empowered to alter public jail, 321; petitioner, 254, 309.
Brown, William, petitioner, 142.
Bruton Parifh, appropriation for building church in, 291; petition, 274, 289; power of conftable of, 234.
Buck skins, duty on, 324, 325.
Buckner, William, burgefs, ix, 255, 257, 266, 268, 279, 284, 290, 294, 297, 303, 307, 308, 316, 317, 319, 320, 322, 326, 330, 344, 355; paid for attending meetings of committee for reviling the laws, 31; petitioner, 142, 196, 232.
Bullock, John, fummoned as witnefs on behalf of J. Holliday, 245.
Burgeffes, acceptance of offices of profit by, confidered, 110, 111; addrefs to queen, 32, 116, 121, 282; election regulated and falary afcertained, xxxiii, 138, 153, 154, 158, 159, 183, 189, 190, 191, 203; meffage from council, 11, 12, 13, 18, 24, 25, 29, 34, 47, 52, 65, 66, 77, 91, 93, 106, 113, 139, 140, 160, 161, 169, 174, 185, 186, 189, 191, 193, 196, 198, 199, 200, 202, 203, 205, 208, 212, 213, 214, 217, 218, 219, 221, 224, 225, 226, 228, 229, 230, 231, 232, 233, 259, 268, 269, 270, 271, 276, 279, 282, 286, 287, 288, 290, 292, 294, 296, 297, 298, 309, 321, 322, 326, 332, 335, 337, 338, 339, 340, 345, 347, 348; meffage from governor, 8, 12, 13, 14, 16, 22, 23, 28, 32, 36, 39, 44, 45, 47, 48, 52, 55, 58, 64, 65, 66, 67, 79, 81, 83, 87, 91, 93, 95, 97, 101, 106, 109, 114, 115, 119, 124, 130, 167, 170, 177, 181, 184, 191, 200, 203, 233, 239, 262, 263, 274, 277, 281, 287, 288, 292, 298, 301, 309, 316, 317, 319, 321, 323, 331, 339, 349, 351, 355, 356; meffage to council, 10, 295, 339, 338, 345; meffage to governor, 23, 26, 27, 35, 59, 80, 118, 168, 187, 214, 220, 230, 260, 265, 283, 285, 313, 314, 318, 320, 343; oath of office, xx, 3, 43, 60, 62, 69, 109, 129, 131, 133, 134, 135, 144, 152, 176; petition queen in reference to removal of Nicholfon, 101; refufe to contribute money or men toward defence of N. Y., xvii.
Burwell, Nathaniel, burgefs, ix, 239, 242, 244, 253, 269, 282, 294, 304, 340, 329, 337; taken into cuftody for abfence, 306, 307.
Byrd (Bird), William, agent in England for Virginia, 156, 157; appointed to adminifter oaths to burgeffes, 43, 47, 50, 313; auditor, 53.

C

Canoes, penalty for ftealing, 167, 170, 171, 204.
Capitol, act for building, 200, 202, 211, 213, 221, 222, 224, 235; committee appointed to direct work on, 169, 170; queen's arms to be painted on cupola, 217, 219; report of committee appointed to infpect work on building, 29.
Capitol grounds, report of committee in reference to, 69.
Carelefs, William, petitioner, 241.
Carolina, exportation of tobacco from, to Virginia, prohibited, 203.
Carre, ————, burgefs, 151.
Carter, Robert, letter from, 107, 109; member of Council, xxiv; money in hand for ufe of truftees of Williamfburg, 145, 306; report of, as truftee for Williamfburg, and alfo report on money due G. A., 120; requefted to make report as truftee of Williamfburg and alfo report on money due from him to G. A., 114; treafurer, xxi.
Cary, ————, burgefs, 3, 12, 13, 16, 19, 24, 25, 28, 31, 32, 35, 67, 68, 69, 73, 78, 81, 82, 83, 90, 94, 95, 111, 112, 113, 114, 121, 122, 123, 125, 185, 231, 242, 296, 301, 303, 304.
Cary, Henry, appointed to fuperintend conftruction of governor's houfe, xxx; authorized to convey to Colonel Nicholfon 2 houfes in Williamfburg, 232; authorized to pull down old houfes belonging to John Page, 69; claim rejected, 345; claimant, 309, 342; commiffioned to have queen's arms painted on cupola of capitol, 217; directed to mark bounds of capitol grounds 64; enabled to repair public buildings, 232; mentioned, 175, 196; overfeer of work on capitol, 109, 111, 174, petitioner, 51, 52, 73, 170, 254, 275, 281, 284; paid for work on public buildings, 289; report of committee on accounts of, 268; report of expenditure for work on public buildings, 182, 257; report of work neceffary to be done to capitol, 117; report on money appropriated for building of capitol, 58.
Cary, Miles, burgefs, vii, viii, 6, 8, 9, 43, 46, 57, 88, 132, 136, 139, 141, 146, 149, 165, 167, 169, 170, 180, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 197, 198, 199, 200, 202, 204, 206, 208, 210, 212, 214, 215, 218, 219, 220, 222, 227, 228, 230, 231, 232, 233; claimant, 309; paid for attending meetings of committee for reviling the laws, 31; petitioner, 6, 142, 196, 232, 241; propofition of, 52; report on work neceffary to be done on capitol, 174.
Cary, Miles, Jr., clerk of comm. of E. & P., 45, 88, 132, 242, 303; clerk of comm. of P. C., 46, 88, 303; petitioner, 9, 131; reimburfed for fervices as clerk of comm. of P. C., 173.
Cary, Thomas, mentioned, xl.
Cary, William, burgefs, viii, ix, 132, 136, 192, 202, 220, 243.
Cafey, Robert, petitioner, 303.
Cattle, trefpaffing by, prohibited, xxii, 158, 167, 170, 171, 189, 204.
Caughland, James, fummoned as witnefs on behalf of Z. Lewis, 245.
Champagne, James, bill for naturalization of, 110, 112, 117, 119, 120.
Chapman, Charles, grievance and propofition from, 11; profecuted for not reporting number of tithables in his county, 122.
Chapman, William, petitioner, 94.
Charles II, mentioned, xiii.
Charles XII, of Sweden, mentioned, xiv.
Charles City County, bill for alling part of James City County to, 268, 273; bill prohibiting Indians being employed to hunt on land in, belonging to the Englifh, 29; burgeffes, vii, viii, ix, 9, 92, 136, 243; claims, 11, 92, 133, 245, 304; election

of burgefs, conteited, 244, 246; governor's meffage in reference to changing boundaries of, 263; grievance, 11; mentioned, xx, xxxiii, 56, 162; petitions, xxxvi, 263, 265; propofitions, 11, 14, 15, 47, 54; writ for election of burgeffes, 50, 272.
Chermefon, Jofeph, petitioner, 89.
Chew, Larkin, petitioner, 310, 330.
Chickahominy Indians, mentioned, 21, 62; petition of interpreter, 266, 310.
Chickahominy River, complaint againft keeper of ferry over, 53; mentioned, 263.
Chifwell, Charles, mentioned, 133, 174, 175; petitioner, 52, 96, 132, 143, 185.
Chowning's Point, mentioned, 14.
Churchill, John, Duke of Marlborough, xiii.
Churchill, William, appointed to adminifter oath to burgeffes, 144, 152; burgefs, vii, 60, 62, 78, 81, 111.
Churchill's plantation, mentioned, 102.
Cider, duty on, 180.
Clack, James, grievance, 11; propofition, 11, 17.
Claiborne, Thomas, mentioned, 311.
Clayton, John, clerk of comm. of P. & G., 262, 263, 305; petitioner, 247, 252, 289, 292.
Clergy, bill concerning, xxviii, 23, 24, 25, 26, 29, 137, 139, 140, 141, 142, 143, 148, 149, 151, 153, 155, 196, 208, 214, 215, 216, 228, 229.
Clough, George, claimant, 295; Council infifts on allowing claim of, 296; petitioner, 247.
Cock, Chriftopher, profecuted for not reporting the number of tithables in his county, 122.
Cock, James, profecuted for not reporting number of tithables in his county, 122.
Cock, William, mentioned, 13.
Coins, foreign, rates of, xxvi, 99, 103, 106, 109, 112, 113, 114, 146, 182, 188, 192, 196, 200, 201, 258, 259, 261, 262, 264, 265, 271, 274, 276, 278, 279, 298, 310, 313, 325.
Cole, ————, burgefs, 253. See Cowles, Thos.
Coleman, John, fummoned as witnefs on behalf of J. Holliday, 245.
Coleman, Robert, fheriff of Effex County, 255.
Collectors, fees of, 146, 159, 183, 221, 223, 224, 225, 228, 233, 234.
Confpiracies, act to prevent, 272, 275, 276, 278, 279, 280, 281.
Conftables, fees of, 221, 224, 225, 227, 228, 229, 231, 232, 288, 290, 311.
Conway (Conaway, Connaway), Edwin, burgefs, ix, 255, 261, 264, 290, 294, 308, 309, 310, 340.
Copeley Parifh, petition, 34, 35.
Corbin, Gawin, burgefs, vii, 3, 6, 7, 8, 9, 10, 12, 19, 44, 45, 46, 48, 51, 62, 68, 69, 77, 81, 82, 83, 88, 89, 109, 111, 112; collector of duty on liquors, fervants and flaves, 160; petitioner, 134, 139.
Cornbury, Edward, Vifcount, governor of New York, 9, 16.
Cotton, manufactories, propofition in reference to, 251.
Council, meffage from burgeffes, 19, 226, 268, 295, 335, 336, 338, 345; meffage to burgeffes, 11, 12, 13, 18, 24, 25, 29, 34, 47, 52, 65, 66, 77, 91, 93, 106, 113, 139, 140, 160, 161, 169, 174, 185, 186, 187, 189, 191, 193, 196, 198, 199, 200, 202, 203, 205, 208, 212, 213, 214, 217, 218, 219, 221, 224, 225, 228, 229, 230, 231, 232, 233, 259, 269, 270, 271, 276, 279, 282, 286, 288, 290, 292, 294, 296, 297, 298, 309, 321, 322, 326, 332, 337, 338, 339, 340, 345, 347, 348; falary of members, 213, 226, 227, 228, 234.
Country, act for fecurity and defence of, xli, 215, 218, 221, 222, 224, 234, 286, 288, 290, 294, 298.
County court clerks, fees, 221, 224, 225, 227, 228, 229, 231, 232, 288, 290, 311; method of appointing, 221, 224, 225, 227, 228, 229, 231, 232.
County courts, act for eftablifhing, xxviii, xliii, 22, 29, 142, 193, 194, 198, 199, 204, 225, 229, 230, 233, 266, 268, 271, 272, 288, 290, 292, 298.
County levy, collection and payment of, 157, 159, 161, 170, 171, 189, 203.
Covington, Richard, burgefs, vii, 7, 8, 43, 50, 55, 64, 69, 77, 88, 109; claimant, 94, 156; petitioner, 71.
Cowles, Thomas, burgefs, ix, 243; petitioner, 257, 305.
Cowles, Thomas, Jr., meffenger of Houfe, 244.
Cox, Charles, paid for fervices as doorkeeper, 173.
Creekmore, Edward (Edmund), complaint againft real eftate agents of N. C., 230; petition, 198, 222, 230, 235.
Creekmore, John, complaint againft real eftate agents of N. C., 230.
Creeks, pollution of prohibited, 146, 159, 172, 181, 182, 183, 184, 193, 206, 208, 221, 223, 224, 225, 228, 233, 234, 235.
Criminals, act for removing from county jails to Williamfburg, 215, 218, 235.
Croft, John, letter to Colonel Wilfon, 114.
Curle, Nicholas, burgefs, vii, ix, 109, 120, 243, 261, 265, 268, 291, 307, 324, 347; claimant, 324, 330, 341, 342, 345.
Cuftis, ————, burgefs, 154, 167, 180, 197, 253, 261, 267, 268.
Cuftis, Frances, hufband of empowered to fell a mill, lands and flaves belonging to, for payment of Dan. Parke's debts, 329, 330, 335, 356; petitioner, 328.
Cuftis, Hancock, burgefs, ix, 243; collector of tax on liquors, fervants and flaves in Eaftern Shore diftrict, 270; profecuted for not reporting the number of tithables in his county, 122; taken into cuftody for abfence, 305, 312.
Cuftis, John, adminifters oaths to burgeffes, 60, 69, 109; empowered to fell a mill, lands and negroes belonging to his wife, 329, 330, 335, 356; petitioner, 328.
Cuftis, John, Jr., burgefs, viii, 133, 136.
Cuftom frauds, act for preventing, 146, 159, 183, 221, 223, 224, 225, 228, 233, 234.

D

Dabne, George, figner of grievance from King William County, 141, 150, 151.
Dale, Henry, complaint againft real eftate agents of North Carolina, 230.
Daniel, ————, governor of North Carolina, 88.
Debtors' prifon, to be built in Williamfburg, xliii, 312, 314, 315, 318, 322, 356.
Decopet, John Francis, petitioner, 104.
Deer, killing at unfeafonable times prohibited, 158, 169, 170, 171, 185, 190, 191, 235.
Deer, bill to repeal act prohibiting killing at unfeafonable times, 258, 259, 261.
Deer skins, duty on, 324.
Deerfield, mentioned, xvi.
DeMonville, Samuel, petitioner, 12, 74.
DeRichbourg, Claud Phillippe, bill for naturalization of, 110, 112, 117, 119, 120; petitioner, 141, 163.
Defertion, punifhment for, 326, 328, 329, 330, 337.
Doe skins, duty on, 324, 325.
Downer, John, figner of grievance from King William County, 141, 150, 151.
Downman, William, fheriff of Richmond County, 7, 8.
Drummond, Richard, burgefs, vii, ix, 15, 44, 66, 78, 114, 124, 243, 258, 267, 275, 296, 322; taken into cuftody for abfence, 305, 312.
Drummond, William, claim of guardian of, 309.
Ducking ftools, to be erected in each county, 145, 152, 154, 156, 161, 203.
Dudley, Col. ————, governor of New England, 9.
Dudley, Ambrofe, burgefs, ix, 239, 242, 244, 257, 268, 269, 275, 288, 296, 304, 322, 325, 340, taken into cuftody for abfence, 348
Duke, Henry, appointed to adminifter oaths to burgeffes, 3, 4, 43, 62, 134; paid for attending meetings of committee for reviling the laws, 31; petitioner, 211.
Dunbar, Jofeph, petitioner, 142.
Dyer, Edward, doorkeeper, 303; petitioner, 241.

E

Eaftham, Edward, Jr., fummoned as witnefs on behalf of Z. Lewis, 245.
Edwards, William, burgefs, vii, viii, 44, 47, 55, 77, 110, 111, 115, 125, 132, 136, 156, 180, 183, 189, 191, 192, 193, 197, 198, 203, 204, 206, 209, 213, 217, 219, 223, 224, 227, 228, 231, 233; to give evidence concerning charge againft Maj. Allen, 13.
Edingham, Lord, mentioned, xxxvi.
Eldridge, Thomas, petitioner, 241.

Elizabeth City County, burgeſſes, vii, viii, ix, 6, 109, 135, 243; claims, 49, 92, 134, 245, 304, 341; election of burgeſs for, conteſted, 244, 246, 248; governor's meſſage in reference to changing boundaries of, 263; grievances, 14, 109, 244, 249; propoſition, 14; return of writ for electing burgeſſes, 109; writ for electing burgeſſes, 102.
Elmſe, Andrew, doorkeeper, 303; petitioner, 241.
England, governor's meſſage in reference to ſhips ſailing to and from, 65; mentioned, xiii, xxii, xxxii, 5, 48, 61, 102; time of ſailing of ſhips to and from, 56, 57, 59.
Epps (Epes), ———, burgeſs, 9, 14, 47, 56, 109, 157, 163, 173, 185, 190, 202, 205, 215, 228, 239, 242, 291, 294, 303, 307, 312; member of committee appointed to examine treaſurer's accounts, 137.
Epps, Francis, burgeſs, vii, viii, ix, 6, 8, 43, 46, 88, 133, 136, 313, 327, 332, 339, 344.
Epps, Littlebury, burgeſs, ix, 243; election conteſted, 244, 245, 246.
Eskridge (Eſcridge, Eſerige), George, burgeſs, viii, ix, 132, 136, 171, 180, 188, 197, 198, 203, 204, 206, 224, 242, 243, 265, 269, 272, 273, 282, 284, 287, 288, 291, 294, 295, 296, 303, 307, 308, 317, 328, 337, 340; taken into cuſtody for abſence, 195, 351.
Eſſex County, boundary, 196, 202, 205; burgeſſes, vii, viii, ix, 7, 68, 136, 264; claims, 12, 178, 245, 307; election of burgeſſes for, conteſted, 257; grievance, 97; mentioned, 72; petition of rangers, 310; return of writ for election of burgeſſes not made in accordance with law, 243; ſheriff, 255; Sittingburn Pariſh, 23.
Eugene of Savoy, Prince, xiv.
Europe, duty on goods imported from, 324; report as to money that might be raiſed by duty on goods imported from, 325.
Evans, Anthony, doorkeeper, 8, 45, 88; petitioner, 131; paid for ſervices as doorkeeper, 173.
Evans, Charles, petitioner, 46.
Executions, manner of levying, 142, 144, 151, 191, 193, 198, 200, 205, 213, 215, 218, 234, 235.

F

Farreli, Richard, petitioner, 241.
Faure, Peter, bill for naturalization of, 110, 112, 117, 119, 120.
Feillon, John, petitioner, 303.
Ferries, propoſition from King William in reference to, 311; regulation and ſettlement of, 222, 225, 226, 227, 230, 233, 235.
Fiſh, act to reſtrain ſtriking, at certain periods, 158, 169, 315, 318.
Fitzhugh, William, burgeſs, viii, xxix, 129, 132, 135, 136, 140, 155, 157, 185, 186, 190, 192, 197; memorialiſt, 191; petitioner, 135.
Flanders, mentioned, xiv.
Flax manufactories, propoſition in reference to, 251.
Floyd, Charles, burgeſs, ix, 243; taken into cuſtody for abſence, 253, 254, 305, 308.
Floyd, Morris, ſigner of a grievance from King William County, 141, 150, 151.
Foreſts, penalty for wilfully burning, 110, 112.
Fortifications, report of committee appointed to inveſtigate, 315.
Foſſaker, Richard, burgeſs, vii, 7, 8, 44, 61, 87, 109, 120.
Foſter, Joſeph, burgeſs, vii, 6, 7, 8, 9, 14, 15, 43, 45, 46, 55, 63, 88, 91, 109, 111, 113, 117, 118; ſheriff of New Kent County, 246.
Fox, Henry, burgeſs, ix, 242, 243, 261, 276, 278, 303, 340; petitioner, 138; propoſition from, 96; ſheriff of King William County, 137, 138.
Fox, John, petitioner, 205.
France, mentioned, xiii, xiv.
Francis, Thomas, grievance and propoſition from, 11; petitioner, 21, 303.
French refugees, act for naturalization of, xxv, 50, 51, 53; exempted from payment of public and county levies, 206, 207, 209, 211, 212, 235; papers relating to, 60; petition, 104, 141, 163; report of committee in reference to ſettling them at Manakin Town, 63.
Frontiers, act for ſeating, 63, 68, 70, 75; ſtrengthening of, xxix, 206, 209, 210; ſettlement on encouraged, 155, 157, 160, 163, 190, 191, 204.
Fryer, Richard, ſummoned as witneſs on behalf of Z. Lewis, 245.
Fulling mills, building, encouraged, 160, 178.
Furs, taxed for better ſupport of William and Mary College, 200, 205, 209, 211, 212, 234.

G

Gaddis (Gaddes, Gaddeſs, Gadis), John, burgeſs, viii, xxxi, 129, 132, 136, 140, 156, 160, 169, 171, 183, 190, 192, 193, 197, 198, 203, 208, 209, 211, 219, 225, 227, 231.
Garret, Iſaac, petitioner, 48, 74.
Geddes, John, claim rejected, 295, 296.
General Aſſembly, official acts of, between death of king and announcement of ſucceſſor valid, 216, 218, 219, 224, 234.
General court, eſtabliſhment of and procedure regulated, 22, 29, 138, 141, 143, 151, 153, 155, 156, 157, 160, 170, 189, 190, 193, 234, 266, 268, 271, 272, 276, 285, 298.
George, Prince of Denmark, 45.
George of Heſſe-Darmſtadt, mentioned, xiv.
Gibraltar, capture of, mentioned, xiv.
Giles, Edward, petitioner, 303.
Giles, Thomas, burgeſs, vii, 6, 8, 44, 109, 113, 119, 125.
Gill, John, petitioner, 11, 21, 74.
Gill, Stephen, petitioner, 11, 21, 74.
Glouceſter County, burgeſſes, vii, viii, ix, 7, 135; claims, 11, 49, 134, 245, 306; grievances, 11, 141; propoſitions, 11, 17, 105.
Goats, treſpaſſing by, prohibited, xxii, 158, 167, 170, 171, 189, 204.
Godolphin, Lord, mentioned, xiv.
Godwin (Godwyn), Edmond, petitioner, 77, 78; ſheriff of Nanſemond County, 69.
Godwin, Joſeph, burgeſs, ix, 243, 267, 298.
Godwin, Thomas, burgeſs, ix, 243, 272, 280.
Godwin (Godwyn), Thomas, Jr., petitioner, 7; report of committee on petition of, 10.
Gold. See coins.
Goldman (Gouldman), Francis, burgeſs, viii, 136, 138, 154, 160, 189, 204, 208, 209, 217, 228, 229; member of committee appointed to examine treaſurer's accounts, 137.
Goodale, John, grievance and propoſition from, 11; mentioned, 21.
Goodrich, Edward, burgeſs, ix, 313, 318, 319, 322, 330, 332, 343; taken into cuſtody for abſence, 332.
Goodwin, Martin, claimant, 252.
Government, act for raiſing public revenue for better ſupport of, 155, 195, 213, 226, 227, 228, 234, 280, 282, 284, 290, 298, 315, 316, 318.
Governor, appropriation for building houſe for, xxx, 279, 280, 282, 285, 290, 294, 298; houſe to be built for, 218, 221, 223, 226, 227, 234; report of committee appointed to inſpect work on houſe for, 269, 270. See alſo Nicholſon, Francis; Nott, Edward; Spotſwood, Alexander.
Grand Alliance, mentioned, xiii.
Gray, Joſeph, ſummoned as witneſs on behalf of J. Holliday, 245.
Gray, William, burgeſs, ix, 243, 267, 290, 344.
Gree, John, ſigner of a grievance from King William County, 141.
Greenfield, Mary, petitioner, 48, 74.
Griffin, Corbin, mentioned, 22.
Grift mills, building, encouraged, 160, 178.
Gwyn, David, burgeſs, vii, 7, 8, 25, 27; mentioned, 87, 110, 112.

H

Hack, Peter, burgeſs, viii, 136, 139, 149, 189, 190, 208, 220, 225, 226.
Hadley, Dionilia, petitioner, 254.
Hadon, Charles, permitted to withdraw petition, 124.
Haney (Hayne), Richard, burgeſs, vii, 8, 16, 18, 27, 61, 109, 120.
Hardyman (Hardiman), John, burgeſs, ix, 253, 261, 272, 288; mentioned, 301, 332.
Harley, Robert, mentioned, xv.
Harper, John, ſummoned as witneſs on behalf of Z. Lewis, 245.
Harralſon, Paul, petitioner, 11, 21.
Harris, John, burgeſs, vii, 8, 109, 117.

Harrifon, burgefs, 24, 26, 78, 113, 121, 123, 139, 140, 155, 174, 180, 190, 191, 204, 206, 210, 220, 228, 231.
Harrifon, Benjamin, accounts as treafurer paffed by Houfe, 294; adminiftratrix to report on accounts as treafurer, 253; burgefs, vii, viii, 7, 8, 9, 12, 16, 18, 19, 25, 27, 28, 46, 78, 89, 91, 107, 111, 112, 116, 122, 123, 124, 136, 225; claimant, 247, 266; mentioned, xxxvii, xxxviii, 88, 269, 271, 289, 297, 350, 322, 326; paid for fervices in reviling the laws, 31; report of committee on account of as treafurer, 266; fpeaker, xxx, xxxiii, 129, 130, 137, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, 167, 168, 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 184, 185, 187, 191, 192, 193, 194, 195, 197, 198, 199, 201, 202, 203, 204, 206, 207, 208, 209, 210, 212, 213, 214, 217, 220, 221, 223, 226, 228, 229, 233, 234; widow of, authorized to fell certain lands and flaves for payment of debts, 272, 273, 277, 282, 298.
Harrifon, Elizabeth, adminiftratrix for Benjamin Harrifon, 266, 289, 297; authorized to fell certain lands and flaves of the eftate of B. Harrifon for payment of his debts, xxxvii, 272, 273, 277, 282, 298; money due from to colony to be paid in cafh, 297; petitioner, 269, 271, 279, 310, 322, 326.
Harrifon, Henry, mentioned, 88.
Harrifon, Nathaniel, burgefs, vii, viii, 6, 7, 8, 9, 13, 18, 44, 45, 46, 53, 71, 77, 88, 89, 106, 111, 113, 115, 117, 118, 129, 132, 135, 136, 139, 149, 165; juftice of peace for York County, 277; letter from, 179.
Harrifon, William, burgefs, vii, xx, 44, 48, 115, 117.
Hartwell, John, petitioner, 258.
Hartwell, a fhip, 176.
Harwood, Samuel, burgefs, ix, 243, 272, 279, 339.
Harwood, William, burgefs, ix, 243, 255, 261, 288, 298.
Hatch, John, mentioned, 13.
Haverhill, mentioned, xvi.
Hawkins, John, burgefs, ix, 264, 267, 291, 305, 326.
Hemp manufactories, propofition in reference to, 251.
Henrico County, bill prohibiting Indians being employed to hunt on land in, belonging to Engliih, 29.
Henrico County, burgeffes, vii, viii, ix, 6, 136, 243, 332; claims, 10, 49, 133, 245, 304; dividing line between New Kent County and, 269, 306; mentioned, 53; propofitions, 10, 14, 47, 56, 133, 247, 270, 279; report of committee on grievances, 71, 148; return of writ for election of burgeffes for, 328; furveyor, 76, 89; writ for election of burgefs, 301.
Highways. See Roads.
Hill, Edward, burgefs, vii, viii, 62, 107, 111, 114, 132, 136, 138, 139, 142, 156, 157, 165, 169, 170, 174, 180, 188, 204, 205, 213, 217, 218, 219, 222, 227, 229; treafurer, xxi.
Hill, Francis, figner of grievance from King William County, 150, 151.
Hobfon, Thomas, profecuted for not reporting the number of tithables in his county, 122.
Hodges, Richard, complaint againft real eftate agents of N. C., 230.
Hodges, Roger, complaint againft real eftate agents of N. C., 230.
Hodges, Thomas, burgefs, vii, viii, 6, 8, 44, 70, 78, 81, 132, 136, 149, 203, 226; mentioned, 97.
Hoe, Rice, burgefs, vii, 3, 7, 8, 27, 44, 47, 61, 67, 82, 87, 88, 91, 113, 120; petitioner, 96.
Hog Iiland, mentioned, 21, 52, 53, 71.
Hogs, going at large in Williamfburg prohibited, 269, 272, 273; ifealing prohibited, 158, 161, 168, 170, 171, 188, 189, 191, 192, 193, 204; trefpaffing by prohibited, xxii, 158, 167, 170, 171, 189, 204.
Holland, mentioned, xiii.
Holloway (Halloway, Hallowaie), John, burgefs, ix, 242, 243, 249, 268, 269, 270, 272, 273, 275, 276, 277, 280, 287, 289, 291, 303, 304, 305, 308, 309, 310, 311, 314, 315, 317, 318, 320, 322, 324, 326, 327, 329, 332, 335, 337, 338, 343, 345, 347, 351, 355; election contefted, 245, 256, 257; petitioner, 252.
Hollyday (Holliday), Anthony, burgefs, viii, 136, 149, 150, 156, 190, 190, 192, 218, 225.
Holt, John, grievance and propofition from, 11; petitioner, 21, 52, 71, 199
Holt, Jofeph, petitioner, 92.
Holt, Peter, petitioner, 119.
Horfes, bill for improving breed of, 54, 56, 63, 67, 68, 79, 75, 76, 77, 260, 261, 265, 267; ownerfhip of, limited to perfons having land on which to keep them, 309, 311, 313, 321, 327; trefpaffing by prohibited, xxii, 158, 167, 170, 171, 189.
Howard, Katherine, claimant, 295, 296; petitioner, 254.
Hubbard (Hubard, Hubbert, Hubbart), Robert, burgefs, vii, 6, 8, 9, 43, 46, 82, 89, 121.
Hughes, John, complaint againft, 54; guilty of a breach of the privileges of the Houfe, 71; mentioned, 67, 68, 70.
Hum, Francis, mentioned, 121, 145.
Humphrey, Nicholas, petitioner, 176.
Hunter, Robert, mentioned, xxxiv, xxxix.

I

Ill, Francis, figner of grievance from King William County, 141.
Indemnity, bill to repeal an act entitled an act of free and general indemnity, 214, 216, 218, 219, 226.
Indian corn, duty on, 324, 325.
Indian flaves, bill to amend act declaring them to be real eftate, 351; declared to be real eftate, 201, 206, 208, 210, 212, 213, 234; grievance from York and Warwick in reference to act declaring them to be real eftate, 331.
Indians, employment of, as millers and overfeers, prohibited, 264, 266, 268; bill concerning, 103, 104, 108, 112, 113, 114, 117, 118, 119, 172, 179, 180, 182, 186, 189, 192, 194, 197, 205, 207, 209, 217, 220, 221, 222, 224, 235; hunting and ranging on patented lands prohibited, 63, 67, 68, 70, 75, 206, 208, 209, 210, 211, 212, 213, 234; keeping of offenfive and defenfive weapons prohibited, 264, 266, 268; not to levy war or take up arms, 264, 266, 268; trade with, prohibited, 328, 329, 340, 350, 351, 355.
Infurrections, act to prevent, 272, 275, 276, 278, 279, 280, 281.
Inteftates' eftates, adminiftrations of, xliii, 29, 142, 144, 193, 194, 198, 199, 204, 209, 218, 220, 221, 223, 226, 227, 228, 229, 230, 233, 234, 266, 268, 271, 272, 288, 309, 313, 315, 322, 326, 356.
Ifle of Wight County, boundary, 106, 191, 196, 202, 206, 212, 213, 235; burgeffes, vii, viii, ix, 6, 136, 243; Council infifts on allowance of claim from, 296; claims, 11, 92, 133, 246, 294, 304, 319, 341, 345, 348; grievances, 17, 250; grievances rejected, 162; mentioned, xxxvii; propofitions, 133, 162, 244.
Italy, mentioned, xiv.

J

Jackman, Jofeph John, petitioner, 92.
Jackfon, Chriftopher, petitioner, 241.
Jackfon, William, mentioned, 92.
Jails, bill for removing criminals from county jails to jail in Williamfburg, 67.
James II, mentioned, xiii.
James City County, bill for adding part of to Charles City County, 268, 273; bricks of old capitol to be ufed in building court houfe for, 204; burgeffes, vii, viii, ix, 7, 136, 243, 244; claims, 89, 149, 254, 294, 309, 342; complaint of militia of, 72; council infifts on allowing claim from, 296; governor's meffage in reference to changing boundaries of, 263; grievance, 21; mentioned, xxxvi, xxxvii, 9, 53; petitioner, 7, 28, 273; propofitions, 310, 331.
James City Parifh, petition, 193, 211.
James River, ferry over, 53; mentioned, xxxii, xxxvi, 71, 265, 299; rangers at head of, 330, 331.
Jamestown, burgeffes, viii, ix; bricks of old capitol to be ufed in building court houfe in James City County, 204; fort at, xli, 200; mentioned, xvii, 21, 258.
Jenkins, Henry, burgefs, vii, viii, 6, 7, 8, 11, 27, 43, 78, 81, 107, 109, 111, 115, 117, 125, 132, 136, 155, 161, 171, 190, 194, 223, 224, 225.
Jennings, Charles, profecuted for not reporting the number of tithables in his county, 122.

Jennings, Edmund, appointed to adminiſter oath to burgeſſes, 3, 4; appointed to inſpect work on capitol, 35; claimant, 13, 15, 136, 207, 345; objections to bill entitled Act preſcribing method of appointing county court clerks, etc., 225; paid for attending meetings of committee for reviſing the laws, 31; petitioner, 13, 51; petition of C. C. Thacker in behalf of, 52, 96; petitioner, 144, 205, 217, 224, 290, 305, 342; report from committee for reviſing the laws, 9; ſecretary of the Colony, xxxiv.
Jennings, Sarah, mentioned, xiv.
Joanny, John, bill for naturalization of, 110, 112, 117, 119, 120.
Johnſon, Jacob, burgeſs, vii, 11, 47, 78, 117.
Jones, Maurice, ſheriff of Weſtmoreland County, 253.
Jones, Orlando, clerk of committee of P. & G., 133; petitioner, 132; paid for ſervices as clerk of committee of P. & G., 173.
Jones, Thomas, petitioner, 254.
Juce, John, mentioned, 254.
Judgments, limitation of actions on, 139, 149, 151, 155, 161, 190, 191, 234.
Juries, act concerning, 142, 143, 145, 148, 157, 190, 191, 234.

K

Kaidgee, William, petitioner, 252.
Kemp, Mathew, petitioner, 134, 139.
Kemp, Richard, petitioner, 90.
Kendall, Thomas, complaint of Nanſiattico Indians againſt, 49.
Kimbro (Kimbrough, Kimbrow), John, petitioner, 50, 95, 194, 247, 310.
King and Queen County, boundary, 196, 202, 205, 306; burgeſſes, vii, viii, ix, 7, 60, 62, 102, 136, 243, 332; claims, 10, 49, 89, 133, 245, 304; court of, empowered to purchaſe land to eſtabliſh town, 109, 110, 112, 117, 119; election of burgeſſes conteſted, 244, 245, 256; grievances, 11, 17, 49, 137, 183, 245, 248, 249, 250, 251, 252, 255; mentioned, xxv, 92, 105, 278; petition, 92, 102; propoſitions, 10, 11, 21, 49, 54, 94, 183, 251, 245, 304; report of committee on grievances, 99, 146; St. Peter's Pariſh, 48; St. Stephen's Pariſh, 104, 260, 267, 268, 271; ſheriff, 94; writ for electing a burgeſs, 47.
King William County, boundaries, 306; burgeſſes, vii, viii, ix, 7, 136, 149, 243; claims, 12, 49, 89, 133, 245, 305, court day altered, 103; election of burgeſſes conteſted, 136, 137, 138; grievance from ordered to be burnt, 152, 155; grievances, 12, 140, 278; mentioned, 53, 133; petition, xxxi, 331; propoſitions, 12, 94, 134, 256, 305, 309, 311; report of committee on grievances, 99, 166; St. John's Pariſh, 48, 273, 279; ſheriff, 137, 138.
Kiquotan, now Hampton, xli.

L

Lancaſter County, burgeſſes, vii, viii, ix, 7, 136; claims, 10, 49, 89, 196, 245; dividing line between Northumberland and, xxxvi, 264, 273, 275, 281; grievances, 133, 248, 249, 251, 255; mentioned, 261; petition, 133; petition rejected, 139; propoſition, 244, 251; report of committee on grievances, 163, 164; report of committee on propoſitions, 164, 165; return of writ for election of burgeſſes, not made in accordance with law, 243; ſheriff, 252.
Lands, act confirming titles to town lands, 200, 201, 210, 212, 215, 221, 223, 226, 235; granting, ſeating and planting, xl, 151, 184, 185, 187, 192, 193, 194, 202, 212, 215, 234, 250, 258, 259, 261; titles and bounds of, xxxviii, 151, 184, 185, 187, 192, 193, 194, 202, 212, 215, 234, 250, 258, 259, 261, 279, 280, 282, 284, 292, 298; unlawful ſhooting and ranging on prohibited, xxxviii, 151, 184, 185, 187, 192, 193, 194, 202, 209, 210, 211, 212, 213, 215, 234, 251, 258, 259, 261, 279, 280, 282, 284, 292, 298.
Lawne's Creek Pariſh, petition in reference to, 141.
Lee, Richard, collector of duty on liquors, ſervants and ſlaves, 160, 270; failure to make report on duty on liquors and ſlaves, noted by burgeſſes, 266; ordered to make report on tax collected on liquors and ſlaves, 284.
Leigh, William, burgeſs, vii, 3, 7, 8, 9, 10, 13, 19, 23, 24, 27, 28, 32; mentioned, 47, 60, 62.
Leighton, Mrs. Suſanna, executrix of Col. Edward Nott, 289, 292.
Leiſter, William, burgeſs, viii, 136, 160, 182, 190, 211, 218, 219, 222, 224, 228.
Lewis, Zachary, petitioner, 244, 245, 256.
Liggon (Lygon), Richard, petitioner, 74, 76, 78, 89, 191.
Lightfoot, Henry, mentioned, 175.
Lightfoot, John, appointed to adminiſter oaths to burgeſſes, 43, 47, 50; letter from, 107, 109; member of council, xxiv.
Lights, Roger, petitioner, 14.
Liquors, bill for reviving impoſition on, 67, 68, 69, 71, 76, 77, 78, 79; duty on, xxx, xxxii, xxxvii, 120, 183, 194, 195, 199, 201, 202, 203, 271, 273, 276, 278, 286, 290, 298; meſſage from council in reference to tax on, 286, 287; reſolution in reference to duty on, 63.
Louis XIV, mentioned, xiii.
Low, ———, ſecretary of North Carolina, 94, 95.
Loyd, Lyonel, petitioner, 261; ſummoned as witneſs on behalf of J. Holliday, 245.
Ludwell, Philip, appointed to adminiſter oaths to burgeſſes, 60, 109, 129, 131, 133, 134, 135, 144, 152, 176, 313; claimant, 342, 346; letter from, 107; letter from, 109; member of council, xxiv.
Luke, George, claimant, 341, 345.

M

McCarty (Macarty, M'Cartee), Daniel, burgeſs, viii, 132, 136, 140, 169, 170, 180, 183, 184, 195, 203, 210, 213, 215, 218, 219, 228, 229, 233; mentioned, 143, 144.
Maggot, Nicholas, mentioned, 13.
Maherin Indians, bounds of land of, 98; mentioned, xxvi, 51, 88; petition, 92.
Makenie, Francis, propoſitions from, 141.
Mallory, Roger, ſigner of grievance from King William County, 141, 150, 151.
Malplaquet, mentioned, xiv.
Manakin Town, act for naturalization of French refugees at, xxiii, xxv; French refugees in, to form diſtinct pariſh, 206, 207, 209, 211, 212, 235; mentioned, 11, 21, 50, 51, 53, 59.
Marable, George, burgeſs, vii, viii, 7, 8, 25, 27, 44, 55, 58, 78, 110, 114, 120, 121, 129, 132, 136, 144, 149, 171, 189, 204, 208, 211, 213, 214, 228; member of committee to receive and examine the treaſurer's accounts, 14.
Mares, ownerſhip of, limited to perſons having land on which to keep them, 309, 311, 313, 325, 327.
Marlborough, Duke of, mentioned, xiii.
Marot, John, claimant, 341, 345, 347.
Marriages, act concerning, 22, 26, 29, 138, 184, 188, 196, 197, 198, 235.
Martin, John, draught of bond for tranſporting Nanſiattico Indians, 122, 123; petitioner, 119.
Martinique, mentioned, xxvi.
Mary, Queen, mentioned, xiii.
Maryland, governor, 88, 106; mentioned, 22, 92, 96, 141.
Maſham, Mrs., mentioned, xv.
Maſon, ————, burgeſs, 135, 155, 248, 253, 257, 258, 264, 268, 275, 324.
Maſon, George (Norfolk), burgeſs, viii, 138, 160, 192, 193, 206, 211, 223, 226.
Maſon, George (Stafford), burgeſs, viii, ix, xxix, 129, 132, 136, 139, 165, 171, 178, 243, 244.
Maſon, George, petitioner, 135.
Maſon, Jack, a Tuſcarora Indian, 247.
Mathews (Matthews), Baldwin, mentioned, 13; ſummoned as witneſs in behalf of J. Holloway, 245.
Mattapony River, mentioned, 124, 200, 279.
Matthews, Samuel, claimant, 324.
Merriwether (Meriwether, Merrywether), ————, burgeſs, 214, 239, 241, 242, 261, 267, 269, 275, 276, 282, 287, 289, 290, 301, 303, 304, 310.
Merriwether, Francis, burgeſs, viii, 132, 136, 139, 140, 151, 160, 169, 170, 171, 174, 183, 185, 186, 188, 202, 203, 206, 214, 216, 227, 228, 229, 233; petitioner, 257, 264.
Merriwether, Nicholas, burgeſs, viii, ix, 136, 188, 201, 206, 208, 211, 213, 214, 218, 219, 220, 222, 227.
Merryman, James, petitioner, 303.

Middlefex County, burgeffes, vii, viii, ix, 7, 60, 62, 136, 243; claims, 10, 49, 89, 304; complaint of feoffees in truft referred to committee, 296; petitions, 94, 100, 134, 139; propofitions, 10, 94; refolution in reference to building new courthoufe, 102; writ for electing a burgefs, 47.
Militia, act concerning, 146, 172, 173, 182, 187, 206, 218, 219, 220, 221, 224, 234.
Millers, negroes, mulattoes and overfeers prohibited from being employed as, 264, 266, 268.
Milner, Francis, burgefs, ix, 242, 243, 272, 294, 303.
Milner, Thomas, profecuted for not reporting number of tithables in his county, 122.
Minetrie (Minetries), David, mentioned, 60, 254.
Minge, ———, eftimate of, for making two fundials, 122.
Minge, James, grievance, 11; petitioner, 14, 17, 104; propofition, 11.
Mokenny, Francis, petitioner, 179.
Morris, Richard, Jr., doorkeeper, 45, 88, 140; paid for fervices as doorkeeper, 173.
Morris, Richard, Sr., petitioner, 8, 131, 140.
Mofeley, Edward, burgefs, vii, viii, 6, 8, 9, 47, 50, 82, 88, 120, 135, 139, 160, 173, 185, 192, 193, 211, 224; letter from, 202; member of committee appointed to examine treafurer's accounts, 137.
Mofs (Morfe, Moffe), James, burgefs, vii, 7, 8, 27, 43, 55, 70, 78; petitioner, 94.
Mofs, John, claimant, 252.
Mountford (Mountfort), Thomas, petitioner, 21, 142, 152.
Mulatto flaves, bill to amend act declaring them to be real eftate, 351; declared to be real eftate, 201, 205, 208, 210, 212, 213, 234.
Mulattoes, employment of, as millers or overfeers, prohibited, 264, 266, 268; grievance from York and Warwick in reference to act declaring them to be real eftate, 331; keeping of offenfive and defenfive weapons by, prohibited, xxxv, 264, 266, 268; not to levy war or take up arms, xxxv, 264, 266, 268.
Mulder, Joftua, naturalization of, 200, 205, 209, 212, 235.
Muft, James, complaint againft, 76.
Mutiny, punifhment for, 326, 328, 329, 330, 337.

N

Nanfemond County, boundary, 191, 196, 202, 206, 212, 213, 235; burgeffes, vii, viii, ix, 6, 7, 15, 68, 69, 136, 243; claims, 12, 245, 246, 304; grievances, 137, 163, 250; mentioned, 162; propofitions, 10, 21, 243; return of writ for electing burgeffes, 69; fheriffs, 77, 78; writ for election of burgefs, 40.
Nanfemond Indians, mentioned, 51, 88, 91.
Nanfiattico Indians, act concerning, xxv, 103, 104, 108, 112, 113, 114, 117, 118, 119, 123; complaint concerning T. Kendall, 49; mentioned, 88, 94, 120, 122; petition, 74; refolutions in reference to, 97, 98.
Naturalization, act for, 200, 204, 205, 209, 212, 235.
Naval officers, fees, 159, 146, 183, 221, 223, 224, 225, 228, 233, 234.
Neale, Chriftopher, burgefs, viii, ix, 136, 154, 172, 190, 202, 211, 242, 244, 257, 272, 291, 303, 304, 330, 350; complainant, 7, 11; petitioner, 6, 12; report of committee on petition of, 10.
Negro flaves, bill to amend act declaring them to be real eftate, 351; declared to be real eftate, 201, 206, 208, 210, 212, 213, 234.
Negroes, employment of, as millers and overfeers, prohibited, 264, 266, 268; bill to prevent infurrections and confpiracies, 281; duty on, 180, 183; governor's meffage in reference to high tax on, 281; grievance from York and Warwick in reference to act declaring them to be real eftate, 331; keeping of offenfive and defenfive weapons by, prohibited, xxxv, 264, 266, 268; not to levy war or take up arms, xxxv, 264, 266, 268. See alfo flaves.
Nelfon, Thomas, claimant, 342.
Netherlands, mentioned, xiv.
Neufe River, mentioned, xli.
New England, governor's meffage in reference to Indians in, 45.
New Kent County, burgeffes, vii, viii, ix, 7, 136; claims, 11, 49, 89, 133, 245, 304; council infifts on allowing claim of, 296; dividing line between Henrico County and, 260, 306; governor's meffage in reference to changing boundaries of, 263; grievance from ordered to be burnt, 155; grievances, 250, 251, 253, 331; mentioned, 48, 68, 70, 259; propofitions, xxx, 94, 133, 244, 247, 304; report of committee on grievances, 99, 146, 147; return of writ for election of burgeffes, not made in accordance with law, 244; St. Peter's Parifh, 55, 58, 63, 67, 68, 70, 75.
New York, burgeffes addrefs governor in reference to, 27; burgeffes conider governor's fpeech in reference to, 20; burgeffes refufe to contribute money or men for affiftance of, xvii; conference of Houfe and Council in reference to money for, 18; governor of, 9; mentioned, xli, 65, 58, 63; meffage from governor to burgeffes in reference to affiftance of, 4, 16.
Newfoundland, mentioned, xvi.
Newton, George, burgefs, ix, 243, 265, 267, 344, 350.
Nicholfon, Francis, burgeffes petition queen in reference to removal of, 101; complaint againft, by New Kent County, 147; Henry Cary authorized to convey to, two houfes in Williamfburg, 232; mentioned, xvi, xxiii, xxviii, 196, 217; meffage from burgeffes, 23, 26, 27, 35, 80, 115, 118; meffage to burgeffes, 3, 4, 8, 12, 13, 14, 16, 22, 23, 28, 32, 36, 39, 44, 45, 47, 48, 52, 55, 58, 59, 64, 65, 66, 67, 79, 81, 83, 87, 91, 93, 95, 97, 101, 106, 109, 114, 115, 119, 122, 124; petition of attorneys, 142; refolution of Houfe in reference to adminiftration of, 107, 108.
Norfolk County, burgeffes, vii, viii, ix, 6, 136, 243; claims, 12, 245, 305; grievance, 12; mentioned, 105, 230; propofitions, 12, 47, 247, 260.
North Carolina, complaint of inhabitants of Virginia againft, 103; dividing line between and Virginia, 123, 125, 234; governor, 88; mentioned, xli, xlii, 53, 223; fecretary of, 94.
Northampton County, burgeffes, vii, viii, ix, 11, 243; claims, 49, 137, 255, 309; grievance, 134; mentioned, 97; propofition, 134; report of committee on grievance, 163; return of writ for electing burgefs, 10.
Northumberland County, bill for afcertaining dividing line between Lancafter and, xxxvi, 264, 273, 275, 281; burgeffes, vii, viii, ix, 136; claims, 92, 178, 245; grievances, 133, 249, 255; mentioned, 6, 12, 261; propofitions, 244, 251; reading of report of committee concerning election for, poftponed, 7; return of writ for election of burgeffes, not made in accordance with the law, 243; fheriff, 11.
Norvell, Hugh, claim rejected, 295, 296; claimant 294.
Nott, Edward, governor, xxiii, xxviii, xxxiv, xlii; meffage from burgeffes, 168, 187, 214, 220, 230; meffage to burgeffes, 130, 167, 170, 177, 181, 184, 191, 200, 203, 233; petition of executrix in reference to funeral expenfes of, 289.
Nottingham, Benjamin, burgefs, vii, ix, 11, 47, 117, 119, 243; taken into cuftody for abfence, 253, 254, 305, 308.
Nottoway Indians, bounds of lands of, 98; mentioned, xxvi, xli, 51, 88, 91; petition, 52, 74.
Nova Scotia, mentioned, xvi.

O

Obligations, limitation of action on, 149, 151, 155, 161, 190, 191, 234.
Oblivion, bill to repeal an act entitled An act of free and general ——— oblivion, 214, 216, 218, 219, 226.
Office, act declaring who fhall not hold office, 152, 155, 154, 160, 189, 190, 191, 203.
Old Point, fort at, xli.
Ordinaries, public, bill for allowing greater number of, 72, 79, 81; regulation of, xxii, 171, 176, 184, 188, 193, 197, 198, 235.
Ormond, Duke of, mentioned, xv.
Orphans, guardians of, to give fecurity, 144, 209, 218, 220, 221, 223, 226, 227, 228, 234; propofition concerning, 106.

Orkney, Earl of, mentioned, xxxiv.
Overfeers, negroes, mulattoes and Indians prohibited from being employed as, 264, 266, 268.
Overworton (Overwharton) Parifh, propofition in reference to confolidating St. Paul's Parifh with, 13.
Owen, Hugh, petitioner, 205.

P

Page, John, four houfes and oven belonging to, razed, 69; houfes belonging to, appraifed, 64, 66; houfes belonging to, ordered to be pulled down, 61; meffage from governor in reference to houfes belonging to, 55.
Page, Matthew, paid for attending meetings of comm. for reviling the laws, 31.
Pamlico River, mentioned, xli.
Pamunkey Indians, mentioned, 21, 49, 98; petition of interpreter, 266, 310.
Pamunkey Neck, burgeffes addreis governor in reference to furveying and patenting, 111, 115, 172, 220; governor refufes to have land in furveyed and patented, 124; governor's meffage to burgeffes in reference to, 233; burgeffes ask that land in be furveyed and patented, 103; report of committee on grievance from Prince George County in reference to, 145.
Pamunkey River, mentioned, 200, 269; propofition in reference to ferry over, 311.
Pamunkey Town, petition of the queen of, 92.
Pardon, bill to repeal an act entitled An act of free and general pardon, 214, 216, 218, 219, 226.
Parke, Daniel, mentioned, 328, 329, 330, 335, 356.
Parker, Thomas, burgefs, ix, 272; petitioner, 244, 245, 246.
Parochial affairs, act concerning, xxviii, 23, 24, 25, 26, 29, 137, 140, 141, 142, 143, 148, 149, 151, 153, 155, 196, 208, 214, 215, 216, 228, 229.
Pafquier, Peter, petitioner, 180.
Paffinger, Capt., mentioned, 348.
Pate, Jeremiah, mentioned, 259, 294.
Pemberton, Thomas, fummoned as witnefs on behalf of J. Holliday, 245.
Pendleton, Henry, fummoned as witnefs on behalf of J. Holliday, 245.
Perry, Capt., ————, complainant, 76, 78.
Perry, Micajah & Co., furniture for capitol purchafed from, 254, 257; paid for furniture for capitol, 289; report of committee on accounts of, 268.
Perfons in debt, clandeftine tranfportation of, prohibited, 153, 157, 159, 187, 204.
Peter the Great, mentioned, xiv.
Philip of Anjou, mentioned, xiii.
Pillories, to be erected in each county, 145, 152, 154, 156, 161, 203.
Pinkard, Thomas, fheriff of Lancafter County, 252.
Pinkethman, (Penkethman), Rebecca, authorized to fell hufband's eftate for payment of his debts, 214, 215; petitioner, 186, 219.
Pinkethman (Penkethman), Timothy, mentioned, 186, 215.
Pirates, reftraint and punifhment of, 206, 209, 210, 211.
Pitch, duty on, 324, 325; gauge of barrels for, 154, 158, 159, 160, 187, 203; making of, 105.
Pope, Nathaniel, profecuted for not reporting the number of tithables in his county, 122.
Pork, duty on, 324, 325.
Pork, gauge of barrels for, 154, 158, 159, 160, 187, 203.
Port Royal, mentioned, xvi.
Ports, act for eftablifhing, xxix, 190, 196, 202, 210, 212, 216, 219, 224, 235, 321, 324.
Portugal, mentioned, xiii.
Potomac River, rangers at head of, 330, 331.
Pratt, John, claimant, 342.
Preffey, Peter, burgefs, ix, 244, 257, 268, 269, 308, 309, 310, 344, 350.
Prince George County, boundary, 191, 196, 202, 206, 212, 213, 235; burgeffes, vii, viii, ix, 136, 243, 332; claims, 49, 246, 305, 341, 345, 348; grievances, 49, 56, 134, 246, 265; mentioned, xx, xxxvi; named for Prince George of Denmark, xvii; propofitions, 49, 50; report of committee on grievances, 145, 146; return of writ for election of burgeffes, 48, 328; writ for election of burgefs, 301.
Princefs Anne County, burgeffes, vii, viii, ix, 6, 139, 243; claims, 49, 137, 245, 304; grievances, 54, 140, 163, 183, 248, 255; propofitions, 51, 162, 223, 244; report of committee on propofitions, 166.
Prifoners for debt, relief of, 142, 144, 151, 191, 193, 198, 200, 205, 213, 215, 234, 235.
Prifons, erection of in each county, 145, 154, 156, 161, 203.
Prou, Clypian (Cyprian), petitioner, 48, 74.
Public claims, act concerning, 157, 161, 170, 171, 185, 203.
Public expreffes, difpatch of, 222, 225, 226, 227, 230, 233, 235.
Public landings, bill for appointing, 266, 268, 271, 272, 288, 308, 310, 321, 324.
Public levy, act for raifing, 81, 82, 123, 231, 232, 235, 297, 298; collection and payment of, 157, 159, 161, 170, 171, 189, 203.
Public revenue, act for raifing for better fupport of the government, 155, 158, 159, 234, 280, 282, 284, 290, 298.
Purvis, James, petitioner, 131.

Q

Quarry, Robert, guilty of unjuft reflection upon people of Virginia, 93, 116; mentioned, xxvii; refolution in reference to, voted on, 122; furveyor-general of Britifh cuftoms in America, xxiv.

R

Randolph, William, burgefs, vii, viii, ix, 6, 8, 9, 14, 19, 23, 24, 26, 28, 43, 46, 50, 51, 53, 54, 55, 56, 57, 59, 63, 67, 71, 74, 76, 80, 82, 89, 91, 95, 96, 97, 100, 103, 104, 106, 108, 110, 114, 117, 118, 120, 122, 133, 136, 139, 154, 163, 169, 171, 176, 182, 186, 190, 195, 200, 202, 210, 212, 214, 216, 228, 229, 233, 242, 243, 248, 249, 255, 257, 260, 261, 262, 264, 265, 266, 267, 268, 269, 270, 271, 273, 275, 278, 279, 280, 282, 285, 286, 290; claimant, 11; mentioned, 32, 301, 332; propofition, 52, 244.
Randolph, William, jr., clerk of Houfe, 43, 131; petitioner, 9, 95, 137, 179, 246, 292, 293, 307; paid for fervice as clerk of Houfe, 173.
Rangers, act for appointing, xliii, 328, 329, 330, 331, 335, 337, 339.
Ranfom (Ranfon, Ranfome, Ranfone), James, burgefs, vii, viii, 3, 7, 8, 9, 20, 28, 43, 46, 78, 89, 111, 113, 136, 154, 188, 210
Rappahannock River, ferry over, 14, 71; mentioned, xxv, 55, 58; propofition concerning ferry over, 58; rangers at head of, 330, 331.
Raftadt, treaty of, mentioned, xv.
Read, Robert, petitioner, 308, 322.
Redwood, Elizabeth, petitioner, 261.
Redwood, John, claimant, 111, 156; cuftodian of public buildings, 30, 175; mentioned, 261; petitioner, 17, 51, 94, 124, 125, 144, 182, 254.
Remington, George, petitioner, 303.
Remington, John, doorkeeper, 45, 88; paid for fervices as doorkeeper, 31, 173; petitioner, 8, 131.
Revington, Margaret, petitioner, 308.
Reynolds, William, petitioner, 205.
Ribot, Francis, bill for naturalization of, 110, 112, 117, 119, 120.
Richmond County, burgeffes, vii, viii, ix, 7, 68, 243, 332; claims, 12, 89, 183, 245; grievance, 49, 179; mentioned, xxv, 118; propofition, 49; return of writ for election of burgeffes, 136; fheriff, 8, 110, 112, 143, 151; Sittingburn Parifh, 23; writ for election of burgeffes, 87, 244.
Rider, Mrs. Mary, grievance, 11; petitioner, 21; propofition, 11.
Rivers, pollution of prohibited, 146, 159, 172, 181, 182, 183, 184, 193, 200, 208, 221, 223, 224, 225, 228, 233, 234, 235.
Roads, act for making, clearing, and repairing, 172, 181, 182, 184, 189, 193, 200, 205, 235; furveyors of, empowered to take fuch trees as fhall be neceffary to make or repair, 313.
Robertfon, William, attorney for Francis Nicholfon, 142, 232; attorney for Mrs. Sufanna Leighton, 289, 292; claimant, 295, 296, 309; clerk of General Aflembly, 3, 4, 5, 11, 12, 13, 14, 18, 22,

23, 24, 25, 28, 29, 32, 34, 36, 39, 43, 44, 45, 47, 48, 52, 55, 58, 64, 67, 70, 77, 78, 79, 81, 82, 83, 87, 91, 93, 95, 97, 101, 106, 109, 111, 113, 114, 115, 121, 122, 123, 124, 129, 130, 139, 140, 160, 161, 167, 169, 170, 174, 181, 184, 185, 186, 189, 196, 198, 199, 200, 202, 203, 205, 208, 212, 213, 214, 217, 218, 219, 221, 224, 225, 226, 228, 229, 230, 231, 232, 233, 234, 259, 262, 263, 268, 269, 270, 271, 274, 276, 277, 279, 281, 282, 284, 286, 287, 288, 290, 292, 294, 296, 297, 298, 301, 309, 316, 317, 321, 322, 323, 326, 331, 332, 335, 338, 339, 340, 345, 347, 348, 349, 351; mentioned, 174, 175; petitioner, 247; paid for fervices as clerk of General Aſſembly, 173.
Robinſon (Robertſon), ——, burgeſs, 75, 76, 119, 124, 125, 154, 203; petitioner, 71; taken into cuſtody for abſence, 312.
Robinſon, Chriſtopher, burgeſs, viii, ix, 132, 136, 139, 151, 165, 169, 182, 192, 193, 204, 210, 224, 239, 242, 243, 248, 261, 265, 269, 276, 288, 290, 291, 304, 307, 310, 321, 323, 344, 347, 350, 351; petitioner, 94, 100, 102.
Robinſon, John, burgeſs, ix, 242, 243, 244, 255, 257, 268, 269, 282, 294, 297, 298, 303, 304, 307, 326, 337, 344; petitioner, 94, 100, 102.
Robinſon, Tully, burgeſs, vii, 15, 28, 44, 46, 88, 109, 112, 113.
Robinſon, William, burgeſs, vii, viii, ix, 7, 16, 18, 23, 27, 43, 55, 61, 66, 87, 91, 110, 114, 123, 124, 129, 132, 139, 151, 165, 167, 171, 195, 199, 200, 202, 210, 211, 213, 214, 215, 216, 239, 241, 242, 243, 244, 245, 246, 247, 256, 257, 258, 263, 264, 303, 304, 305, 317, 350; letter from, 190; petitioner, 196.
Rocroi, battle of, mentioned, xiv.
Rolling houſes, bill for appointing, 266, 268, 271, 272, 288, 308, 310, 321, 324.
Rook, Sir George, mentioned, 121.
Roſs, Edward, claimant, 111, 201, 247; grievance, 11; petitioner, 21, 247, 326; propoſition, 11.
Roy, John Guy, petitioner, 89.
Roy, Richard, ſummoned as witneſs on behalf of J. Holloway, 245.
Ruckes, Peter, petitioner, 48, 74.
Ruffin, Robert, mentioned, xxxvii, 270, 288; paid for a ſlave who was emancipated, 276; petitioner, 282, 284; ſlave of, emancipated as a reward for reporting a conſpiracy, 292, 298.
Rum, import duty on, 180.
Ryſwick, treaty of, mentioned, xiii.

S

Sacheverell, Dr., Tory clergyman, xv.
Saco, mentioned, xvi.
Sailors, entertaining or harboring of, prohibited, 287, 288, 290, 298.
St. Anne's Pariſh, formation of, xxii.
St. Chriſtopher Iſland, capture of by French, 185.
St. John, Henry, mentioned, xv.
St. John's Pariſh, mentioned, 48; petition, 273, 279.
St. Mary's Pariſh, mentioned, 48.
St. Paul's Pariſh, formation of, xxii; propoſition in reference to conſolidating Overwharton Pariſh with, 13.
St. Peter's Pariſh, bill for dividing, xxii, 63, 67, 68, 70, 75; petition, 49, 55.
St. Stephen's Pariſh, bill to oblige miniſter of, to officiate at chapel in, 267, 268, 271; grievance, 260; petition, 93, 104.
Salt works, encouraged, 179.
Savoy, mentioned, xiii.
Sayers, William, petitioner, 142.
Scotland, mentioned, xv.
Seamer, William, ſummoned as witneſs on behalf of J. Holliday, 245.
Secretaries, fees, 221, 224, 225, 227, 228, 229, 231, 232, 288, 290, 311.
Sellers, Jacob, ſigner of a grievance from King William County, 141, 150, 151.
Servants, act concerning, 167, 172, 173, 176, 177, 178, 184, 188, 197, 198, 204, 205, 235; bill for reviſing impoſition on, 67, 68, 69, 71, 76, 77, 78, 79; clandeſtine tranſportation of, prohibited, 153, 157, 159, 187, 204; duty on, 120; reſolution in reference to duty on, 63.
Seſſums, Nicholas, petitioner, 141.
Seymour, ——, governor Maryland, 88; letter from, 92.
Sheep, treſpaſſing by, prohibited, xxii, 158, 167, 170, 171, 189, 201.
Sheriffs, bill to ſupply certain defects in act preſcribing method of appointing, 295, 292, 294, 298; fees, 221, 224, 225, 227, 228, 229, 231, 232, 288, 290; method of appointing, 141, 143, 145, 148, 154, 157, 190, 191, 192, 193, 203; obliged to act when appointed, 290; power of, 206, 208, 209, 211, 212, 213, 234.
Shilling, George, petitioner, 205.
Shipp, Joſia, petitioner, 55, 72.
Ships, act for clearing, 146, 159, 183, 221, 223, 224, 225, 228, 233; governor's meſſage in reference to failing of, 166; proviſion made for ſafety of, 186; failing in contempt of embargoes, prohibited, 206, 208, 209, 211, 212, 235.
Shoreham, a boat, 348.
Simmons (Simons), John, burgeſs, ix, 243, 261, 268, 271, 282, 284, 351.
Sittenburn Pariſh, bill for dividing, xxii, 61, 63, 64, 67, 68, 69, 75; mentioned, 48, 58; petition, 55; propoſition, 23.
Skins, tax on, for better ſupport of William and Mary College, 200, 205, 209, 211, 212, 234.
Slaves, act concerning, 167, 172, 173, 176, 177, 178, 184, 188, 197, 198, 204, 205, 235; act for laying duty on, amended, 287; bill for reviſing impoſition on, 67, 68, 69, 71, 76, 77, 78, 79; bill to prevent inſurrection and conſpiracies, 281, 328, 329; clandeſtine tranſportation of, prohibited, 153, 157, 159, 187, 204; duty on, xxx, xxxii, xxxvii, 120, 194, 195, 199, 201, 202, 203, 271, 273, 276, 278, 286, 290, 298; governor's meſſage in reference to high tax on, 281; meſſage from Council in reference to tax on, 286; proſecution for capital crimes, 158, 171, 184, 188, 193, 203; reſolution in reference to duty on, 63.
Smith, Col., claimant, 348.
Smith, Arthur, burgeſs, vii, ix, 6, 7, 8, 14, 15, 44, 61, 70, 78, 109, 115, 119, 125, 239, 242, 243, 261, 265, 267, 298, 303.
Smith, Chriſtopher, petitioner, 273, 279.
Smith, Guy, grievance, 11; propoſitions, 11, 17.
Smith, John, appointed to adminiſter oaths to burgeſſes, 62, 69, 109; claimant, 309, 342.
Smith, Lawrence, petitioner, 255.
Smith, Nicholas, claimant, 115, 118; mentioned, xxv.
Snead, Robert, proſecuted for not reporting the number of tithables in his county, 122.
Soane, Henry, burgeſs, ix, 243, 253, 257, 261, 262, 269, 272, 276, 291, 294, 295, 296, 297, 298, 307, 310, 312, 315, 317, 339, 340, 351.
Sophia, electreſs of Hanover, xiii.
South Carolina, governor's meſſage in reference to Indians in, 45; mentioned, xvi.
Spain, mentioned, xiii, xiv.
Spaniſh money, bill for advancing and aſcertaining rate of, 100.
Spaniſh Netherlands, mentioned, xiii.
Spencer, Thomas, ſigner of grievance from King William County, 141, 150, 151.
Spotſwood, Alexander, mentioned, xxxiv, xxxix, xl, xli, xliii; meſſage from burgeſſes, 260, 265, 283, 285, 313, 314, 318, 320, 343; meſſage to burgeſſes, 239, 262, 263, 274, 277, 281, 287, 288, 292, 298, 301, 309, 316, 317, 319, 321, 323, 331, 339, 349, 351, 355, 356.
Spratt, Henry, burgeſs, ix, 243, 267, 347, 350.
Stafford County, burgeſſes, vii, viii, ix, 7, 136, 243, 244; claims, 10, 67; grievance, 12; mentioned, xxix; propoſitions, 12, 13.
Stanup, John, burgeſs, ix, 253, 261, 272, 291, 304, 344.
Stevens, James, claimant, 342.
Stith, Drury, burgeſs, vii, 62, 109, 111.
Stocks, to be erected in each county, 145, 152, 154, 156, 161, 203.
Stoner, David, petitioner, 11.
Storage, bill for aſcertaining prices of, 308, 321, 324.
Strays, act concerning, 172, 178, 184, 188, 193, 196, 197, 198, 201.
Strickland, Richard, doorkeeper, 8, 45, 88; petitioner, 131.
Struſbulo, a ſhip, 97, 106, 110.
Suits, limitation of action on, 130, 143, 189, 190, 191, 234; proſecuting attorneys to give ſecurity for payment of coſts and damages awarded, 144, 158, 159, 160, 185, 234.

Sullivan (Sullyvan, Sullivant, Sullyvant), Daniel, burgeſs, vii, viii, 68, 69, 113, 115, 125, 132, 136, 151, 188, 203, 209, 215, 217, 223, 224, 226.
Sunderland, Earl of, mentioned, xiv.
Surry County, boundary, 106, 191, 196, 202, 206, 212, 213, 235; burgeſſes, vii, viii, ix, 6, 136, 243; claims, 11, 133, 215, 294, 306, 341, 345, 348; Council inſiſts on claim from being allowed, 296; grievances, 11, 17, 21, 133, 311; mentioned, xxxvii, xxxviii, 7, 71, 162, 258; petition of ſheriff, 92; propoſitions, 11, 133, 306; report of committee on grievances, 146, 147; return of writ for election of burgeſſes, 15.
Surveyors, duties and fees of, 159, 178, 197, 199, 202, 205, 206, 208, 234; empowered to take ſuch trees as ſhall be neceſſary to make or repair roads and bridges, 313.
Sutherland, William, ſummoned as witneſs on behalf of J. Holliday, 245.
Swan, Thomas, burgeſs, vii, 5, 6, 7, 8, 9, 15; mentioned, 46, 69.

T

Tar, duty on, 324, 325.
Tar, gauge of barrels for, 154, 158, 159, 160, 187, 203.
Tarpley, John, burgeſs, ix, 268, 288, 290, 291, 308, 309, 319, 321, 323, 332, 340; ſheriff of Richmond County, 143, 151; taken into cuſtody for abſence, 350.
Tart, William, claimant, 121, 145.
Tate, Mathew, captain of Strumbulo, 97; mentioned, 88.
Tayloe, John, Francis Yeates empowered to convey to, certain entailed lands in lieu of other lands and negroes, 321, 323, 327, 356.
Tayloe, Joſeph, proſecuted for not reporting the number of tithables in his county, 122.
Tayloe, William, burgeſs, viii, ix, 132, 156, 180, 189, 190, 199, 200, 202, 212, 218, 224, 230, 243; mentioned, 244, 332.
Taylor, Ethelred, mentioned, 13.
Taylor, James, burgeſs, viii, 136, 156, 169, 176, 192, 193, 196, 204, 209, 218, 227, 231, 233, 278; petitioner, 92, 105, 106, 124, 125.
Thacker, Chicheley Corbin, claimant, 295, 296; mentioned, 71; petitioner, 14, 52, 247, 257, 260, 292, 326.
Thacker, Edwin, burgeſs, vii, 3, 6, 7, 8, 9, 14, 15; mentioned, 47, 60, 62; petitioner, 96.
Thankſgiving Day, meſſage from governor in reference to, 4; time ſet for obſervance of, 10, 11.
Thompſon, ———, commander of Woolwich, 184.
Thomſon, Samuel, petitioner, 266.
Thomſon, Stevens, anſwer to report of committee appointed to inveſtigate practice and behavior of, 208; attorney-general, 105, 115; report of committee appointed to inveſtigate practice and behavior of, 183, 187; petitioner, 198.
Thorowgood, Adam, burgeſs, vii, viii, 6, 8, 47, 70, 78, 109, 135, 138, 139, 160, 171, 190, 192, 193, 209.
Timſon, Lawrence, petitioner, 255.
Tindall's Point, fort at, xli.
Tippling houſes, reſtraint of, xxii, 171, 176, 184, 188, 193, 197, 198, 235, 282, 284, 288, 290, 298.
Tithables, act concerning, 172, 178, 182, 184, 189, 190, 191, 192, 193, 203.
Tobacco, bill permitting diſpoſition of, xxv, 103, 106, 108, 112, 114; bill to prevent injury to, 261, 264, 267, 272, 274, 276, 277, 279, 284, 288, 298; duty on exported, 324; importation from Carolina prohibited, 145, 153, 154, 156, 203; petition of merchants and planters concerning, 93; ſtaple improved, xxi, 145, 153, 154, 156, 162, 192, 196, 197, 198, 235.
Tobacco hogſheads, cutting of, prohibited, 252; tare of, regulated, 54, 63, 67, 68, 70, 75, 76, 78, 99, 190, 145, 153, 154, 156, 162, 166, 192, 196, 197, 198, 235.
Tonnage, rule for aſcertaining, 274.
Towns, act for eſtabliſhing, xxix, 190, 196, 202, 210, 212, 216, 219, 224, 235.
Treaſurer, account of duty on liquors, ſervants and ſlaves, 120; accounts laid before the houſe, 115; accounts paſſed by governor and Council, 296; appointed by act of aſſembly, xxx, 73, 75, 80, 200, 210, 212, 216, 235, 280, 282, 290, 294, 298, 329, 330; committee appointed to examine accounts, 110, 137, 255; report of committee on accounts of, 35, 58, 73, 114, 115, 160.
Turberville (Turbervil, Turbervill, Turberville), John, burgeſs, vii, 7, 8, 16, 18, 47, 55, 78, 81, 82, 87, 109, 110, 114, 119; member of committee to receive and examine the treaſurer's accounts, 14.
Tunſtall, Thomas, ſummoned as witneſs on behalf of Z. Lewis, 245.
Tuſcarora Indians, bill for raiſing land force to carry on expedition againſt, 326, 329, 330, 337; duty on merchandiſe to raiſe money for expedition againſt, 327, 328, 332, 333, 334, 335, 336, 337, 338, 345, 346, 356; Houſe conſider ways and means to raiſe money for expedition againſt, 323, 324; governor's meſſage in reference to expedition againſt, 323; mentioned, xli, xlii, xliii, 54, 88, 259, 294, 295; treaty with, 331, 332.

U

Utrecht, treaty of, mentioned, xv.

V

Veillon, John James, petition for naturalization of, 48.
Veſſels, proviſion made for ſafety of, 186.
Vice, act for ſuppreſſion of, 22, 26, 29, 138, 152, 154, 217, 220, 221, 222, 224, 234.
Virginia, dividing line between and N. C., 234.

W

Waddy, James, ſheriff of Northumberland County, 11.
Waiſs, act concerning, 172, 178, 184, 188, 193, 196, 197, 198, 204.
Wales, mentioned, xxxii.
Walker, George, claimant, 341.
Walker, John, burgeſs, vii, ix, 60, 62, 106, 109, 111, 117, 120; petitioner, 63; propoſition in reference to building town on land of, 144.
Waller, John, burgeſs, ix, 239, 242, 243, 261, 267, 275, 276, 278, 287, 294, 304, 318, 337, 347; petitioner, 133, 136.
Wardrop, Michael, petitioner, 205.
Warehouſes, bill for eſtabliſhing, 321, 324.
Warwick County, burgeſſes, vii, viii, ix, 6, 136, 243; claims, 12, 95, 140, 179, 245, 304; governor's meſſage in reference to changing boundaries of, 263; grievances, 133, 162, 331; mentioned, 281; propoſitions, 133, 304.
Waſhbourn, John, burgeſs, viii, 134, 139, 149, 154, 171, 173, 183, 189, 192, 226; member of committee appointed to examine treaſurer's accounts, 137.
Waſley, Thomas, ſummoned as witneſs on behalf of Z. Lewis, 245.
Water mills, building of, encouraged, 184, 192, 193, 197, 198, 235.
Waters, William, burgeſs, viii, 134, 136, 139, 156, 180, 185, 190, 192, 224; member of committee appointed to examine treaſurer's accounts, 137.
Waugh, John, burgeſs, ix, 243, 244, 296.
Weſt, John, burgeſs, vii, viii, xxxi, 3, 7, 8, 9, 43, 45, 46, 77, 88, 109, 112, 115, 117, 136, 138, 149, 155, 156, 167, 169, 185, 188, 203, 214, 218; grievance from King William written by, 141.
Weſt, Nathaniel, burgeſs, viii, xxxi, 136, 149, 155, 215, 228, 230, 232, 233; examined concerning grievance from New Kent, 147; examined concerning grievance from King William County, 150; letter from, 179.
Weſt, Thomas, burgeſs, vii, viii, xxxi, 7, 8, 43, 66, 70, 109, 115, 136, 138, 149, 155, 174, 182, 192, 194, 201, 213, 217, 228.
Weſt Point, fort at, 200.
Weſtcomb, James, propoſitions, 10, 17; proſecuted for not reporting the number of tithables in his county, 122.
Weſtmoreland County, burgeſſes, vii, viii, ix, 7, 136, 243; claims, 12, 245; Copeley Pariſh, 34, 35; propoſition, 214; ſheriff, 253.
Wharton, Richard, petitioner, 252.
Wheat, duty on, 325.
Wheatley, Solomon, chaplain, 134, 244; letter to Houſe, 123.

Whipping poſts, to be erected in each county, 145, 152, 154, 156, 161, 203.
Whitby, Thomas, petitioner, 51, 94, 119, 120, 121.
Whitehead, John, figner of a grievance from King William County, 141, 150, 151.
Widows, dower of, 144, 209, 218, 220, 221, 223, 226, 227, 228, 234.
Will, Council recommends reward of for reporting a conſpiracy, 270; emancipated as reward for reporting a conſpiracy, 276, 282, 284, 288, 292, 298.
William III, mentioned, xiii.
William & Mary College, burning of, 139, 140; mentioned, xvii, xxxv, xli; return of writ for election of burgeſs, 7, 149; ſkins and furs taxed for better ſupport of, 200, 205, 209, 211, 212, 234.
Williamſburg, bill for removing criminals from county jails to jail in, 67, 69, 71, 76, 215, 218, 235; debtors priſon to be built in, 312; enlargement authorized, 200, 202, 211, 213, 221, 222, 224, 235; hogs going at large in, 269, 272, 273; mentioned, xvii, xx, xxiii, xlii, xliii, 21, 22, 67, 259, 270; money appropriated to build church in, 291.
Wills, manner of granting probates of, xxviii, xliii, 29, 142, 193, 194, 198, 199, 204, 225, 229, 230, 233, 266, 268, 271, 272, 288, 309, 313, 315, 322, 326, 356.
Wilmington Pariſh, petition, 156, 193, 211.
Wilſon, James, burgeſs, vii, ix, 3, 6, 8, 9, 44, 46, 47, 82, 88, 94, 109, 117, 119, 124, 242, 243, 261, 276, 304, 312, 347, 350; letter from John Croſt, 114.
Wilſon, William, collector of duty on liquors, ſervants and ſlaves, 160.
Wine, import duty on, 180.
Winn (Wynn), Joſhua, burgeſs, vii, 3, 6, 7, 8, 12, 14, 24, 44, 47; mentioned, 59.
Wife, John, burgeſs, viii, 134, 138, 139, 149, 154, 160, 169, 190, 193, 211, 218, 225, 226.
Wolves, reward for killing, 158, 169, 170, 171, 185, 204.
Women, tilling of ſoil by, prohibited, 258, 259, 264.
Wood, James, letter from, 92.
Woolens, manufacture of, propoſition in reference to, 251.
Woolwich, a ſhip, 184, 186, 187.
Wyatt, Conqt, propoſition, 89.
Wyn, Thomas, interpreter, 91, 92; petitioner, 51, 96.

Y

Yeates, Francis, empowered to convey to John Tayloe certain entailed lands in lieu of other lands and negroes, 321, 323, 326, 327, 356; petitioner, 319.
York County, burgeſſes, vii, viii, ix, 6, 136, 243; claims, 49, 89, 133, 182, 246, 306, 340, 341; grievances, 133, 254, 311, 331; juſtices of peace, 112, 277; mentioned, 281; petition of ſheriff, 52, 95; propoſitions, 94, 133, 254, 306; report of committee on grievances, 147, 148; report of committee on propoſition, 99; ſheriff, 64, 66, 137; writ for election of burgeſs, 244.
York River, ferry over, 13; mentioned, xxxii, xxxvi, 50, 51, 53, 200, 263; rangers at head of, 330, 331.
Yorktown, fort at, xli.
Young, Andrew, petitioner, 142.

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